

Electronically Filed
Dec 24 2020 08:25 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 KEITH D. ROUTSONG, ESQ.
7 Nevada Bar No. 14944
8 **BLACKROCK LEGAL, LLC**
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10 Las Vegas, Nevada 89147
11 Telephone (702) 855-5658
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9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 BETTY CHAN and ASIAN AMERICAN
12 REALTY & PROPERTY
13 MANAGEMENT,

Dist. Ct. No. A-16-744109-C
Supreme Court Case. No. 82208

14 Plaintiffs/Counterdefendants,

15 v.

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

20 Defendants/Counterclaimants.

NOTICE OF CROSS APPEAL

21 Notice is hereby given that, Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and
22 Jerrin Chiu (hereafter “Defendants” or “Counterclaimants”) by and through their counsel of
23 record, MICHAEL A. OLSEN, ESQ., of Blackrock Legal, LLC, are hereby cross-appelling to
24 the Supreme Court of Nevada the following:

- 25 1. The District Court’s *Order Granting in Part Defendants’ Motion for Summary*
26 *Judgment, or in the Alternative, for Contractual Award of Attorney’s Fees, for Writ of*
27 *Execution on Plaintiff’s Commissions Awarded by GLVAR Arbitration Panel, and*
28



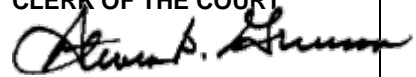
1 *Release of Bond Deposited on Appeal and Order Granting Plaintiffs' Countermotion*
2 *for Summary Judgment* filed on November 23, 2020 with the notice of entry of
3 judgment served on November 23, 2020.
4

5 Dated this 18th day of December 2020.

6 /s/ Keith D. Routsong, Esq.

7 _____
8 MICHAEL A. OLSEN, ESQ.
9 Nevada Bar No: 6076
10 THOMAS R. GROVER, ESQ.
11 Nevada Bar No. 12387
12 **BLACKROCK LEGAL, LLC**
13 10155 W. Twain Ave., Suite 100





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**DISTRICT COURT
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN)	Case No: A-16-744109-C
REALTY & PROPERTY MANAGEMENT,)	
)	Supreme Court Case. No. 82208
Plaintiffs/Counterdefendants,)	
v.)	
)	
WAYNE WU, JUDITH SULLIVAN,)	Dept. No: XX
NEVADA REAL ESTATE CORP., JERRIN)	
CHIU, KB HOME SALES – NEVADA INC.,)	
)	
Defendants/Counterclaimants.)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 22nd, 2020 the **NOTICE OF CROSS APPEAL** was served via electronic service pursuant to Administrative Order 14-2 and NEFCR 9 upon those parties on the master service list:

Thomas Grover	tom@blackrocklawyers.com
Michael Olsen	mike@blackrocklawyers.com
Christine Manning	christine@blackrocklawyers.com
Julian Campbell	julian@blackrocklawyers.com
Keith Routsong	keith@blackrocklawyers.com
Tanya Bain	tbain@gcmaslaw.com
ShaLinda Creer	screer@gcmaslaw.com
Michael Cristalli	mcristalli@gcmaslaw.com
Betty Chan	aarpm09@gmail.com



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Erika McDonagh	emcdonagh@wshblaw.com

/s/Christine Manning

An Employee of BLACKROCK LEGAL



EIGHTH JUDICIAL DISTRICT COURT

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

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

§
§
§
§
§
§
§

Location: **Department 20**
 Judicial Officer: **Johnson, Eric**
 Filed on: **09/27/2016**
 Case Number History:
 Cross-Reference Case Number: **A744109**
 Supreme Court No.: **78666**
82208

CASE INFORMATIONCase 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

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

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

702-855-5658(W)

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
	<u>EVENTS</u>	
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>	

CASE SUMMARY

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>

CASE SUMMARY

CASE NO. A-16-744109-C

02/10/2017	 Amended Filed By: Counter Defendant Chan, Betty <i>Amended Reply to Counterclaim</i>
02/14/2017	 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>
02/16/2017	 Stipulation and Order Filed by: Counter Defendant Chan, Betty <i>Stipulation and Order to Continue Hearing</i>
02/28/2017	 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>
03/30/2017	 Order Filed By: Counter Defendant Chan, Betty <i>Order Granting Motion to Stay and Denying Motion to Dismiss and Motion for Summary Judgment</i>
04/03/2017	 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>
04/17/2017	 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 & Property Management</i>
05/04/2017	 Notice of Appearance Party: Counter Defendant Chan, Betty <i>Notice of Appearance</i>
05/09/2017	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Plaintiffs</i>
07/02/2018	Case Reassigned to Department 20 <i>Reassigned From Judge Leavitt - Dept 12</i>
07/18/2018	 Motion to Vacate Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>MOTION TO VACATE OR MODIFY ARBITRATION AWARD</i>
08/06/2018	 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>

CASE SUMMARY

CASE NO. A-16-744109-C

08/07/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
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>

CASE SUMMARY

CASE NO. A-16-744109-C

10/15/2018	 Notice of Entry Filed By: Counter Defendant Chan, Betty <i>Notice of Entry of Order on Shortening Time</i>
10/15/2018	 Opposition <i>Opposition to Motion to Extend Briefing on Order Shortening Time and Continue Hearing</i>
10/25/2018	 Supplement Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Plaintiffs/Counterdefendants Betty Chan and Asia American Realty & Property Management's Supplement to Plaintiffs Opposition Defendants/Counterclaimants Wayne Wu, Judith 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)</i>
10/29/2018	 Reply <i>Reply to Plaintiffs Supplement</i>
10/30/2018	 Certificate of Service Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Certificate of Service</i>
10/31/2018	 Memorandum of Costs and Disbursements Filed By: Counter Claimant Wu, Wayne <i>Memorandum of Costs and Disbursements</i>
11/14/2018	 Transcript of Proceedings <i>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</i>
12/31/2018	 Transcript of Proceedings <i>All Pending Motions, August 22, 2018</i>
01/03/2019	 Motion to Withdraw As Counsel Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Motion to Withdraw As Counsel of Record</i>
01/25/2019	 Recorders Transcript of Hearing <i>Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date, October 17, 2018</i>
01/29/2019	 Notice of Change of Firm Name Filed By: Counter Claimant Wu, Wayne <i>Notice of Change and Firm Name</i>
02/19/2019	 Motion <i>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</i>

CASE SUMMARY

CASE NO. A-16-744109-C

03/08/2019	 Opposition to Motion <i>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</i>
03/21/2019	 Order Granting Motion <i>Order Granting Motion to Withdraw As Counsel of Record</i>
03/21/2019	 Notice of Entry of Order <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record</i>
03/22/2019	 Order Filed By: Counter Claimant Wu, Wayne <i>Order Granting Defendants Countermotion for Summary Judgment and Attorneys Fees and Costs</i>
03/22/2019	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>Notice of Entry of Order</i>
03/25/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>Certificate of Service</i>
03/27/2019	 Ex Parte Order Filed By: Counter Claimant Wu, Wayne <i>Ex Parte Motion for an Order Shortening Time</i>
03/27/2019	 Motion for Writ of Attachment Filed By: Counter Claimant Wu, Wayne <i>Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel</i>
03/28/2019	 Motion for Writ of Attachment Filed By: Counter Claimant Wu, Wayne <i>Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel</i>
04/01/2019	 Response Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>Response to Attorney Janiece Marshall's opposition and request additional time to locate another attorney replacement</i>
04/01/2019	 Motion Filed By: Counter Defendant Chan, Betty <i>Motion to vacate entry of order or Motion for extension of time to file reconsideration to the entry of order granting Defendant countermotion</i>
04/04/2019	 Ex Parte Motion Filed By: Counter Claimant Wu, Wayne <i>Ex Parte Motion for an Order Shortening Time</i>
04/04/2019	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne

CASE SUMMARY

CASE NO. A-16-744109-C

Notice of Entry of Order

04/05/2019



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

Certificate of Service

04/07/2019



Opposition

Filed By: Counter Defendant Chan, Betty

motion to oppose Motion for writ of execution on Plaintiff's Commission awarded by GLVAR Arbitration Panel

04/08/2019



Motion

Filed By: Counter Defendant Chan, Betty

Motion to Vacate notice of Entry of Order Granting Shortening Time

04/14/2019



Supplement

Filed by: Counter Defendant Chan, Betty

Supplemental to Plaintiffs' Opposition to Writ of Execution Filed on 4/7/2019

04/15/2019



Supplement

Filed by: Counter Defendant Chan, Betty

Supplemental Attachment to plaintiffs's motion filed on 4/1/2019 for reconsideration

04/22/2019



Notice of Appeal

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

Notice of Appeal

04/22/2019



Case Appeal Statement

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

Case Appeal Statement

04/24/2019



Notice of Appearance

Party: Counter Defendant Chan, Betty

Notice of Appearance

04/24/2019



Motion for Stay of Execution

Filed By: Counter Defendant Chan, Betty

Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)

04/25/2019



Case Appeal Statement

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

Case Appeal Statement

04/25/2019



Writ Electronically Issued

Writ of Execution

04/26/2019



Notice of Motion

Notice of Motion; Order Shortening Time; Stay of Execution














04/26/2019



Notice of Entry of Order

CASE SUMMARY

CASE NO. A-16-744109-C

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



CASE SUMMARY

CASE NO. A-16-744109-C

	<p>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></p>
01/08/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/10/2020	 Order Shortening Time <p>Filed By: Counter Defendant Chan, Betty <i>Notice of Motion; Order Shortening Time</i></p>
01/16/2020	 Opposition and Countermotion <p>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></p>
01/16/2020	 Certificate of Service <p>Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>Certificate of Service</i></p>
01/22/2020	 Reply in Support <p>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></p>
03/10/2020	 Order <p>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></p>
03/10/2020	 Notice of Entry of Order <p>Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management 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</p>
04/06/2020	 Amended Notice of Appeal <p>Party: Counter Defendant Chan, Betty <i>Plaintiffs Amended Notice of Appeal</i></p>
05/29/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
06/04/2020	 Motion for Summary Judgment <p>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 Panel and Release of Bond Deposited on Appeal</i></p>
06/04/2020	

CASE SUMMARY

CASE NO. A-16-744109-C

	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
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>

CASE SUMMARY


CASE NO. A-16-744109-C

08/12/2020	 Notice Filed By: Counter Claimant Wu, Wayne <i>Notice of Production of Document for In Camera Review</i>
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

CASE SUMMARY

CASE NO. A-16-744109-C

Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin
Certificate of Service

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>
12/22/2020	 Notice of Appeal Filed By: Counter Claimant Wu, Wayne <i>Notice of Cross Appeal</i>
12/22/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>Certificate of Service</i>

DISPOSITIONS

03/22/2019	Summary Judgment (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	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: 03/22/2019, Docketed: 03/22/2019

CASE SUMMARY

CASE NO. A-16-744109-C


Total Judgment: 22,355.83

06/09/2020 **Clerk's Certificate** (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 **Summary Judgment** (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)
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. ;

CASE SUMMARY

CASE NO. A-16-744109-C

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;

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

CASE SUMMARY

CASE No. A-16-744109-C

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;

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)

CASE SUMMARY


CASE NO. A-16-744109-C

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)
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

CASE SUMMARY

CASE NO. A-16-744109-C

	<p><i>Countermotion to Amend Order</i></p> <p>Granted in Part;</p>
05/01/2019	<p> All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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</i> 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.;</p>
01/22/2020	<p>Motion (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p><i>Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)</i></p> <p>Denied;</p>
01/22/2020	<p>Opposition and Countermotion (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p><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></p> <p>Granted in Part;</p>
01/22/2020	<p> All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><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</i> 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.;</p>
06/16/2020	<p>CANCELED Status Check (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p><i>Vacated</i></p> <p><i>Status Check: Appeal</i></p>
06/30/2020	<p> Motion to Strike (8:30 AM) (Judicial Officer: Johnson, Eric)</p> <p><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></p> <p>on OST</p> <p>Denied in Part;</p> <p>Journal Entry Details:</p> <p><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></p>
07/21/2020	<p>Motion for Summary Judgment (11:00 AM) (Judicial Officer: Johnson, Eric)</p>

CASE SUMMARY

CASE NO. A-16-744109-C

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
Granted in Part;

07/21/2020

Opposition and Countermotion (11:00 AM) (Judicial Officer: Johnson, Eric)

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
Granted;

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. Frizzell. 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. Frizzell 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

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-744109-C

	<i>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;</i>
10/09/2020	 Minute Order (2:39 PM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: <i>COURT ORDERED, the Order Granting Summary Judgement, dated 10/9/20 VACATED and STRICKEN as filed in error, pending presentation of a final order.;</i>
10/28/2020	 Status Check (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Order</i> Continued; Journal Entry Details: <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. CONTINUED TO: 11/18/20 8:30 AM;</i>
11/18/2020	 Status Check (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Order/case status</i> Matter Heard; Journal Entry Details: <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	 Motion to Stay (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> Granted; Journal Entry Details: <i>Duane Frizell, Esq. and Michael Olsen, Esq. present via Bluejeans video conference. Arguments by counsel. Following arguments, COURT STATED ITS FINDINGS, ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal (on Ex Parte Application For An Order Shortening Time) GRANTED; BOND in the amount of \$33,283.50. Court advised Mr. Frizell to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal VACATED.;</i>
01/06/2021	CANCELED Motion for Stay of Execution (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Judge</i> <i>Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
DATE	FINANCIAL INFORMATION

Counter Claimant Chiu, Jerrin

Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 12/23/2020	0.00

Counter Claimant Nevada Real Estate Corp

Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 12/23/2020	0.00

Counter Claimant Sullivan, Judith

Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 12/23/2020	0.00

CASE SUMMARY

CASE NO. A-16-744109-C

Counter Claimant Wu, Wayne

Total Charges	1,057.00
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Total Payments and Credits	1,057.00
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Balance Due as of 12/23/2020	0.00
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Plaintiff Asian American Realty & Property Management

Total Charges	30.00
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Total Payments and Credits	30.00
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Balance Due as of 12/23/2020	0.00
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Counter Defendant Chan, Betty

Total Charges	374.00
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Total Payments and Credits	374.00
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Balance Due as of 12/23/2020	0.00
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Plaintiff Asian American Realty & Property Management

Supersedeas Bond Balance as of 12/23/2020	33,533.75
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Counter Defendant Chan, Betty

Appeal Bond Balance as of 12/23/2020	0.00
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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	
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <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
Probate Probate (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 Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input checked="" type="checkbox"/> Other Contract p. m . w	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <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

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

10155 W. Twain Ave., Suite 100

Las Vegas, NV 89147

Telephone: (702) 855-5658

Facsimile: (702) 869-8243

mike@blackrocklawyers.com

tom@blackrocklawyers.com

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.

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

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

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

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

CONCLUSIONS OF LAW

8. The Clerk of the Court has already issued a writ of execution, which is valid and enforceable, however, Defendants may submit a new writ for full amount of the commission currently held by GLVAR, which amount shall be applied to the amount of the fees and costs 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.

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

3 19. Counsel for Defendants shall file a new writ of execution for the full amount of
4 the funds held in escrow by GLVAR.
5

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

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

9 b) Defendants shall file a new Writ of Execution to obtain the entirety of the funds
10 currently held in the GLVAR escrow account.
11

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

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

16 e) The supersedeas bond posted by Plaintiffs in the amount of \$33,533.75 shall
17 immediately be released to DEFENDANTS and the clerk of court is hereby instructed to issue a
18 check payable to the Blackrock Legal, LLC Trust account in that amount of said bond plus
19 interest, if any;
20

21 f) Defendants are hereby awarded fees and costs in the amount of \$35,630.00
22 incurred in seeking to enforce the arbitration award since the Court's last award of attorney's
23 fees.
24

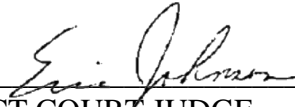
25 g) Ms. Chan is hereby given leave to file a motion for stay of execution.

26 ~~h) The status check currently scheduled for November 18, 2020 at 8:30 a.m. is~~
27 ~~hereby VACATED.~~
28

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

DFrizell@FrizellLaw.com

www.FrizellLaw.com

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Betty Chan, Plaintiff(s)

CASE NO: A-16-744109-C

7 vs.

DEPT. NO. Department 20

8 Wayne Wu, Defendant(s)

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10 **AUTOMATED CERTIFICATE OF SERVICE**

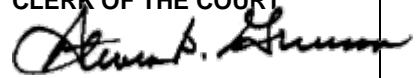
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

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
27
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1	Aiqin Niu	aniu@frizelllaw.com
2	Jacob Frizell	staff2@frizelllaw.com
3		
4	Keith Routsong	keith@blackrocklawyers.com
5	Michael Olsen	mike@goodsellolsen.com
6	Michael Olsen	mike@goodsellolsen.com
7	Michael Olsen	mike@goodsellolsen.com
8	Michael Olsen	mike@goodsellolsen.com
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10	Christine Manning	christine@blackrocklawyers.com
11	Julian Campbell	julian@blackrocklawyers.com
12	Janiece Marshall	jmarshall@gcmaslaw.com
13	Betty Chan	aarpm09@gmail.com
14	Erika McDonagh	emcdonagh@wshblaw.com
15	Vicki Pyne	vicki@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
9 Tel: (702) 855-5658
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
LEGAL

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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

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Telephone: (702) 855-5658

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mike@blackrocklawyers.com

tom@blackrocklawyers.com

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.

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Defendants/Counterclaimants.

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) Dept. No: XX

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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").



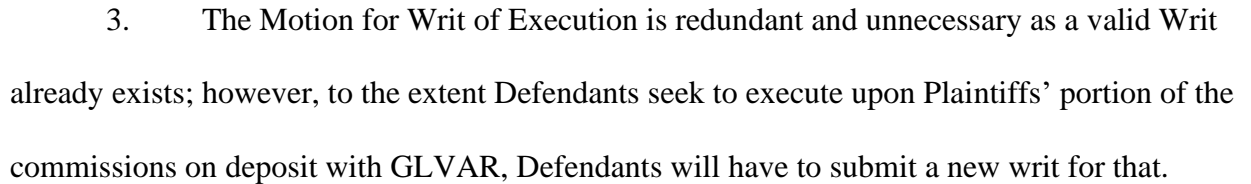
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1. Defendants have a good argument that Plaintiff ran this lawsuit far beyond what it should have been run, and the Court thinks Ms. Chan represents the worst of litigations, but she had a right to file a complaint, and her filing of the civil complaint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

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CONCLUSIONS OF LAW

8. The Clerk of the Court has already issued a writ of execution, which is valid and enforceable, however, Defendants may submit a new writ for full amount of the commission currently held by GLVAR, which amount shall be applied to the amount of the fees and costs 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
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28 17. The Court awards \$35,630.00 in fees and costs to Defendants and finds that such
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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:

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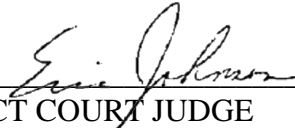
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2 hereby entered as a final order as to any and all claims and counterclaims between and among
3 Plaintiffs and the identified Defendants.

4
5 IT IS SO ORDERED this _____ of November 2020.

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,

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Keith

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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

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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

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 06, 2017

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

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

**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

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

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)
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April 01, 2019	7:15 AM	Minute Order
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HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
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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****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**

PRESENT:	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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

December 09, 2020

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

December 09, 2020 8:30 AM Motion to Stay

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

COURT CLERK: Ro'Shell Hurtado

RECORDER: Angie Calvillo

REPORTER:

PARTIES

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

JOURNAL ENTRIES

- Duane Frizell, Esq. and Michael Olsen, Esq. present via Bluejeans video conference.

Arguments by counsel. Following arguments, COURT STATED ITS FINDINGS, ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal (on Ex Parte Application For An Order Shortening Time) GRANTED; BOND in the amount of \$33,283.50. Court advised Mr. Frizell to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal VACATED.



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

MICHAEL A. OLSEN, ESQ.
10155 W. TWAIN AVE., SUITE 100
LAS VEGAS, NV 89147

DATE: December 23, 2020
CASE: A-16-744109-C

RE CASE: BETTY CHAN; ASIAN AMERICAN REALTY & PROPERTY MANAGEMENT vs. WAYNE WU;
JUDITH SULLIVAN; NEVADA REAL ESTATE CORP.; JERRIN CHIU; KB HOMES SALES-NEVADA, INC.

NOTICE OF APPEAL FILED: December 22, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF CROSS APPEAL; CERTIFICATE OF SERVICE; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; 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; NOTICE OF DEFICIENCY

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),

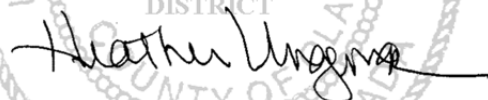
Case No: A-16-744109-C

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 23 day of December 2020.

Steven D. Grierson, Clerk of the Court



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