

Electronically Filed  
Feb 16 2021 11:11 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
2 **KURT C. FAUX, ESQ.**  
3 Nevada Bar No. 03407  
4 **JORDAN F. FAUX, ESQ.**  
5 Nevada Bar No. 12205  
6 **THE FAUX LAW GROUP**  
7 2625 N. Green Valley Pkwy., #100  
8 Henderson, Nevada 89014  
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11 Email: kfaux@fauxlaw.com  
12 jfaux@fauxlaw.com  
13 *Attorneys for Western National Mutual*  
14 *Insurance Company*

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

11 **WILLIAM HARRY RESH, an individual,**  
12 **Plaintiff,**  
13

14 **v.**

15 **MONEY MACHINE, LLC, a Nevada limited**  
16 **liability company dba COMPADRES AUTO**  
17 **SALES; ROBERT LEGASPI, an individual,**  
18 **WESTERN NATIONAL MUTUAL**  
19 **INSURANCE COMPANY, a Minnesota**  
20 **corporation; DOES I through X; and ROE**  
21 **CORPORATIONS I through X,**

22 **Defendants.**

Case No.: A-18-775815-C  
Dept. No.: 20

**NOTICE OF APPEAL**

23 Notice is hereby given that Western National Mutual Insurance Company, defendant

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1 above-named, hereby appeals to the Supreme Court of Nevada from the Order granting Plaintiff's  
2 Motion for Attorney's Fees and Costs entered in this action on the 14th day of January, 2021.

3 DATED this 10th day of February, 2021.

4 THE FAUX LAW GROUP

5  
6 By: /s/ Jordan F. Faux  
7 KURT C. FAUX, ESQ.  
8 Nevada Bar No. 03407  
9 JORDAN F. FAUX, ESQ.  
10 Nevada Bar No. 12205  
11 THE FAUX LAW GROUP  
12 2625 N. Green Valley Pkwy., #100  
13 Henderson, Nevada 89014  
14 *Attorneys for Western National Mutual*  
15 *Insurance Company*

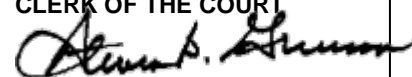
11  
12 **CERTIFICATE OF SERVICE**

13 The undersigned, an employee of The Faux Law Group, hereby certifies that on the 10th day of  
14 February, 2021, I served a copy of the foregoing document, **NOTICE OF APPEAL** on the parties  
15 listed below via the Court's electronic service system:

16 Frederic I. Berkley, Esq.  
17 SKYLAR WILLIAMS, PLLC  
18 410 S. Rampart Blvd., Suite 350  
19 Las Vegas, NV 89145  
20 *Attorneys for William Harry Resh*

Adam Knecht, Esq.  
Alverson, Taylor, Mortensen, & Sanders  
6605 Grand Montecito Pkwy, Suite 200  
Las Vegas, Nevada 89149  
Email: aknecht@alversontaylor.com  
*Attorneys for Money Machine, LLC d/b/a*  
*Compadres Auto Sales and Robert Legaspi*

21  
22 /s/ Kathleen Fenn  
23 An Employee of The Faux Law Group  
24  
25  
26  
27  
28



ASTA  
KURT C. FAUX, ESQ.  
Nevada Bar No. 03407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
2625 N. Green Valley Pkwy., #100  
Henderson, Nevada 89014  
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Email: kfaux@fauxlaw.com  
jfaux@fauxlaw.com  
*Attorneys for Western National Mutual  
Insurance Company*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WILLIAM HARRY RESH, an individual,  
  
Plaintiff,

v.

MONEY MACHINE, LLC, a Nevada limited  
liability company dba COMPADRES AUTO  
SALES; ROBERT LEGASPI, an individual,  
WESTERN NATIONAL MUTUAL INSURANCE  
COMPANY, a Minnesota corporation; DOES I  
through X; and ROE CORPORATIONS I through  
X,

Defendants.

Case No.: A-18-775815-C  
Dept. No.: 20

**CASE APPEAL STATEMENT**

1. **Name of appellant filing this case appeal statement:** Western National Mutual Insurance Company.
2. **Identify the judge issuing the decision, judgment, or order appealed from:** Eric Johnson, Order granting Plaintiff's Motion for Attorney's Fees and Costs.
3. **Identify each appellant and the name and address of counsel for each appellant:**  
Western National Mutual Insurance Company, c/o Kurt C. Faux, Esq., Jordan F. Faux, Esq., The Faux Law Group, 2625 N. Green Valley Pkwy, Suite 100, Henderson, NV 89014.
4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):** William Harry Resh.

Appellate counsel unknown. Trial Counsel: Frederic I. Berkley, Esq., Sklar Williams, PLLC, 410 S. Rampart Blvd., Suite 350, Las Vegas, NV 89145.

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

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

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

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:** Not applicable.

9. **Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):** Amended Complaint was filed July 11, 2019.

10. **Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:** This matter was a claim against a Motor Vehicle Dealer's License Bond. Summary judgment was granted in favor of Plaintiff William Harry Resh and against Western National Mutual Insurance Company in the amount of \$100,000.00, the penal sum of the Bond. The dispute is whether Plaintiff William Harry Resh qualifies as a "consumer" as defined by NRS 482.345(10) and therefore entitled to make claim upon the Bond. The summary judgment decision was appealed, appellate case no. 82087.

Plaintiff subsequently filed a motion for attorneys' fees and costs. On January 14, 2021, the district court filed an order granting Plaintiff's motion for attorneys' fees and costs. Western National Mutual Insurance Company is now appealing the Order granting Plaintiff's Motion for Fees and Costs filed on January 14, 2021.

11. **Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:** Western Nation Insurance Company appealed the district court's summary judgment decision, which appeal is docketed as Supreme Court in Case No. 82087.

12. **Indicate whether this appeal involves child custody or visitation:** Not applicable.

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

DATED this 10<sup>th</sup> day of February, 2021.

THE FAUX LAW GROUP

By: /s/ Jordan F. Faux  
KURT C. FAUX, ESQ.  
Nevada Bar No. 03407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
2625 N. Green Valley Pkwy., #100  
Henderson, Nevada 89014  
*Attorneys for Western National Mutual Insurance Company*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 10th day of February, 2021, I served a copy of the foregoing document, **CASE APPEAL STATEMENT** on the parties listed below via the Court's electronic service system:

Frederic I. Berkley, Esq.  
SKYLAR WILLIAMS, PLLC  
410 S. Rampart Blvd., Suite 350  
Las Vegas, NV 89145  
*Attorneys for William Harry Resh*

Adam Knecht, Esq.  
Alverson, Taylor, Mortensen, & Sanders  
6605 Grand Montecito Pkwy, Suite 200  
Las Vegas, Nevada 89149  
Email: aknecht@alversontaylor.com  
*Attorneys for Money Machine, LLC d/b/a Compadres Auto Sales and Robert Legaspi*

/s/ Kathleen Fenn  
An Employee of The Faux Law Group

**CASE SUMMARY****CASE NO. A-18-775815-C**

**William Resh, Plaintiff(s)**  
**vs.**  
**Money Machine LLC, Defendant(s)**

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§  
§  
§  
§

Location: **Department 20**  
Judicial Officer: **Johnson, Eric**  
Filed on: **06/08/2018**  
Case Number History:  
Cross-Reference Case Number: **A775815**  
Supreme Court No.: **82087**

**CASE INFORMATION**Case Type: **Intentional Misconduct**

Case  
Status: **06/08/2018 Open**

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

Case Number A-18-775815-C  
Court Department 20  
Date Assigned 07/02/2018  
Judicial Officer Johnson, Eric

**PARTY INFORMATION****Plaintiff Resh, William Harry**

*Lead Attorneys*  
**Berkley, Frederic I, ESQ**  
*Retained*  
702-360-6000(W)

**Defendant Legaspi, Robert**

**Bonds, Kurt R.**  
*Retained*  
702-384-7000(W)

**Money Machine LLC**


**Bonds, Kurt R.**  
*Retained*  
702-384-7000(W)

**Western National Mutual Insurance Company**


**Faux, Kurt C.**  
*Retained*  
7024585790(W)

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


06/08/2018

 Initial Appearance Fee Disclosure  
*Initial Appearance Fee Disclosure*

06/08/2018

 Complaint  
Filed By: Plaintiff Resh, William Harry  
*Complaint*

06/08/2018

 Summons Electronically Issued - Service Pending  
Party: Plaintiff Resh, William Harry  
*Summons-Civil*

06/11/2018

 Declaration  
Filed By: Plaintiff Resh, William Harry

# CASE SUMMARY

CASE NO. A-18-775815-C

## Declaration of Service

07/02/2018	Case Reassigned to Department 20 <i>Reassigned From Judge Leavitt - Dept 12</i>
07/02/2018	 Amended Affidavit of Service Party: Plaintiff Resh, William Harry <i>Amended Declaration of Service</i>
07/05/2018	 Default Filed By: Plaintiff Resh, William Harry <i>(10/31/18 Set Aside) Default Against - Money Machine, LLC, dba Compadres Auto Sales</i>
07/30/2018	 Motion to Set Aside Default Judgment Filed By: Defendant Money Machine LLC <i>Motion to Set Aside Default</i>
07/30/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
08/08/2018	 Opposition to Motion Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Opposition to Defendant's Motion to Set Aside Default</i>
08/10/2018	 Stipulation and Order Filed by: Plaintiff Resh, William Harry <i>Stipulation and Order</i>
08/13/2018	 Notice of Entry Filed By: Plaintiff Resh, William Harry <i>Notice of Entry</i>
10/31/2018	 Order Granting Motion Filed By: Defendant Money Machine LLC <i>Order Granting Defendant's Motion to Set Aside Default</i>
10/31/2018	 Notice of Entry of Order Filed By: Defendant Money Machine LLC <i>Notice of Entry of Order</i>
11/19/2018	 Answer Filed By: Defendant Money Machine LLC <i>Defendant Money Machine, LLC d/b/a Compadres Auto Sales' Answer To Complaint</i>
11/21/2018	 Notice of Early Case Conference Filed By: Plaintiff Resh, William Harry <i>Notice of Early Case Conference</i>
12/18/2018	 Request for Exemption From Arbitration Filed by: Plaintiff Resh, William Harry <i>Request for Exemption from Arbitration</i>
01/04/2019	 Commissioners Decision on Request for Exemption - Granted <i>COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION - GRANTED</i>

# CASE SUMMARY

CASE NO. A-18-775815-C

01/15/2019	 Case Conference Report Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Case Conference Report</i>
01/25/2019	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
02/12/2019	 Joinder to Case Conference Report Filed By: Defendant Money Machine LLC <i>Defendant Money Machine LLC d/b/a Compadres Auto Sales Limited Joinder to Plaintiff's Case Conference Report</i>
02/27/2019	 Scheduling Order <i>Scheduling Order</i>
03/25/2019	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial</i>
05/29/2019	 Motion for Leave to File Party: Plaintiff Resh, William Harry <i>Plaintiff's Motion For Leave to File Amended Complaint</i>
05/29/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/31/2019	 Amended Certificate of Service <i>Amended Certificate of Service</i>
07/11/2019	 Order Granting Motion Filed By: Plaintiff Resh, William Harry <i>Order Granting Plaintiff's Motion for Leave to File Amended Complaint</i>
07/11/2019	 Notice of Entry of Order Filed By: Plaintiff Resh, William Harry <i>Notice of Entry of Order</i>
07/11/2019	 Amended Complaint Filed By: Plaintiff Resh, William Harry <i>Amended Complaint</i>
07/11/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Resh, William Harry <i>Summons-Civil</i>
07/11/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Resh, William Harry <i>Summons-Civil</i>
07/11/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Resh, William Harry <i>Summons-Civil</i>

**CASE SUMMARY**

**CASE NO. A-18-775815-C**

07/24/2019	 Acceptance of Service Filed By: Plaintiff Resh, William Harry <i>Acceptance of Service- Western National Mutual Insurance Company</i>
07/30/2019	 Declaration Filed By: Defendant Money Machine LLC <i>Declaration of Service- Robert Legaspi, an Individual</i>
07/30/2019	 Declaration Filed By: Plaintiff Resh, William Harry <i>Declaration of Service- Robert Legaspi, as an Authorized Owner</i>
07/30/2019	 Summons Filed by: Plaintiff Resh, William Harry <i>Summons- Robert Legaspi</i>
07/30/2019	 Summons Filed by: Plaintiff Resh, William Harry <i>Summons- Robert Legaspi, As Authorized Owner of MM</i>
08/20/2019	 Answer to Amended Complaint Filed By: Defendant Money Machine LLC <i>Defendants Money Machine LLC d/b/a/ Compadres Auto Sales and Robert Legaspi's Answer to Amended Complaint</i>
08/30/2019	 Motion to Dismiss Filed By: Defendant Western National Mutual Insurance Company <i>Motion to Dismiss and Motion for Attorney Fees and Costs</i>
08/30/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Western National Mutual Insurance Company <i>Initial Appearance Fee Disclosure</i>
09/05/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/06/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Opposition to Defendant Western National Mutual Insurance Company's Motion to Dismiss and Motion for Attorney's Fees and Costs</i>
09/13/2019	 Stipulation and Order Filed by: Plaintiff Resh, William Harry <i>Stipulation and Order to Continue Hearing</i>
10/10/2019	 Reply to Opposition Filed by: Defendant Western National Mutual Insurance Company <i>Reply To Plaintiff's Opposition To Defendant Western National Mutual Insurance Company's Motion To Dismiss And Motion For Attorney Fees And Costs</i>
10/30/2019	 Order Filed By: Plaintiff Resh, William Harry <i>Order</i>

# CASE SUMMARY

CASE NO. A-18-775815-C

10/31/2019	 Notice of Entry Filed By: Plaintiff Resh, William Harry <i>Notice of Entry</i>
11/20/2019	 Answer to Amended Complaint Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company's Answer to Amended Complaint</i>
11/26/2019	 Offer of Judgment Filed By: Plaintiff Resh, William Harry <i>Offer of Judgment</i>
02/26/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Western National Mutual Insurance Company <i>Stipulation and Order To Extend Discovery Deadlines Based on Trial Continuance</i>
02/26/2020	 Notice of Entry of Order Filed By: Defendant Western National Mutual Insurance Company <i>Notice of Entry of Order Granting Stipulation to Extend Discovery Deadlines</i>
03/20/2020	 Proof of Service Filed by: Plaintiff Resh, William Harry <i>Declaration of Service</i>
04/23/2020	 Pre-trial Memorandum Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Pretrial Memorandum</i>
05/07/2020	 Filing Fee Remittance Filed By: Defendant Legaspi, Robert <i>Filing Fee Remittance</i>
06/01/2020	 Notice of Bankruptcy Filed By: Defendant Legaspi, Robert <i>Robert Legaspi Nevada's Notice of Bankruptcy Filing and Imposition of Automatic Stay</i>
06/15/2020	 Trial Brief Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Trial Brief</i>
06/15/2020	 Trial Brief Filed By: Defendant Western National Mutual Insurance Company <i>Trial Brief for Western National Mutual Insurance Company</i>
06/18/2020	 Stipulation and Order Filed by: Defendant Money Machine LLC; Defendant Legaspi, Robert <i>Stipulation and Order to Continue Trial and Request to Set Status Check</i>
06/22/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Legaspi, Robert <i>Notice of Entry of Stipulation and Order</i>
07/14/2020	 Notice of Telephonic Hearing Filed by: Defendant Money Machine LLC

# CASE SUMMARY

CASE NO. A-18-775815-C

*Notice of Remote Appearance for Status Check*

07/14/2020



Brief

Filed By: Plaintiff Resh, William Harry

*Plaintiff William Harry Resh's Brief Regarding Upcoming Status Check*

07/24/2020



Brief

Filed By: Defendant Western National Mutual Insurance Company

*Western National Mutual Insurance Company s Brief Re; Status Check In Light Of Bankruptcy Of Robert Legaspi*

08/11/2020



Motion for Summary Judgment

Filed By: Plaintiff Resh, William Harry

*Plaintiff's Motion for Summary Judgment*

08/25/2020



Opposition to Motion For Summary Judgment

Filed By: Defendant Western National Mutual Insurance Company

*Opposition to Plaintiff's Motion for Summary Judgment*

09/01/2020



Reply to Opposition

Filed by: Plaintiff Resh, William Harry

*Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment*

10/01/2020



Motion for Attorney Fees and Costs

Filed By: Plaintiff Resh, William Harry

*Plaintiff's Motion for Attorney's Fees and Costs*

10/02/2020



Clerk's Notice of Hearing

*Notice of Hearing*

10/13/2020



Findings of Fact, Conclusions of Law and Order

Filed By: Defendant Western National Mutual Insurance Company

*Findings of Fact and Conclusions of Law and Order Granting Summary Judgment*

10/15/2020



Opposition to Motion

Filed By: Defendant Western National Mutual Insurance Company

*Opposition to Plaintiff's Motion for Attorney Fees and Costs*

10/23/2020



Reply to Opposition

Filed by: Plaintiff Resh, William Harry

*Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs*

11/02/2020



Notice of Change of Hearing

*Notice of Change of Hearing*

11/06/2020



Notice of Appeal

Filed By: Defendant Western National Mutual Insurance Company

*Notice of Appeal*

11/06/2020



Case Appeal Statement

Filed By: Defendant Western National Mutual Insurance Company

*Case Appeal Statement*

11/06/2020

# CASE SUMMARY

CASE NO. A-18-775815-C



## Supplement

Filed by: Plaintiff Resh, William Harry

*Supplement to Plaintiff's Motion for Attorney's Fees and Costs*

01/14/2021



## Order

Filed By: Plaintiff Resh, William Harry

*Order*

01/14/2021



## Notice of Entry of Order

Filed By: Plaintiff Resh, William Harry

*Notice of Entry of Order*

02/10/2021



## Notice of Appeal

Filed By: Defendant Western National Mutual Insurance Company

*Notice of Appeal*

02/10/2021



## Case Appeal Statement

Filed By: Defendant Western National Mutual Insurance Company

*Case Appeal Statement*

## **DISPOSITIONS**

10/13/2020

**Summary Judgment** (Judicial Officer: Johnson, Eric)

Debtors: Western National Mutual Insurance Company (Defendant)

Creditors: William Harry Resh (Plaintiff)

Judgment: 10/13/2020, Docketed: 10/14/2020

Total Judgment: 100,000.00

01/14/2021

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

Debtors: Money Machine LLC (Defendant), Robert Legaspi (Defendant), Western National Mutual Insurance Company (Defendant)

Creditors: William Harry Resh (Plaintiff)

Judgment: 01/14/2021, Docketed: 01/15/2021

Total Judgment: 34,232.27

## **HEARINGS**

09/20/2018



**Minute Order** (1:30 PM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

*Defendant Money Machine, LLC filed a Motion to Set Aside Default on July 30, 2018. The matter was subsequently scheduled for hearing on September 26, 2018. After considering the pleadings, the Court hereby GRANTS Defendant's Motion to Set Aside Default. The Court finds that good cause has been show and there is minimal prejudice to either side in setting aside the default. The Court finds that the Defendant's lack of filing an Answer was due to excusable neglect and the Defendant was diligent in filing the instant motion to set aside once the Default was discovered. The Court also finds parties are not prejudiced by setting aside the Default because there has not been such a delay that Plaintiff's ability to pursue his claim will be hindered. The Court hereby VACATES the September 26, 2018 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. ;*

09/26/2018

**CANCELED Motion to Set Aside** (10:30 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

*Defendant's Motion to Set Aside Default*

02/12/2019



**Discovery Conference** (10:00 AM) (Judicial Officer: Bulla, Bonnie)

*Notice to Appear for Discovery Conference*

Scheduling Order Will Issue;

Journal Entry Details:

# CASE SUMMARY

CASE NO. A-18-775815-C

*Dates provided are not workable with Rule 16.1. Colloquy re: discovery cutoff is 6-28-19; adding parties, amended pleadings, and initial expert disclosures DUE 3-29-19; rebuttal expert disclosures DUE 4-29-19; file dispositive motions by 7-29-19. Mr. Berkley stated a car was sold one year ago for \$143,000. Mr. Knecht filed a Joinder with amended dates. Counsel anticipate 1 to 2 days for trial re: Intentional misconduct; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 6-28-19; adding parties and amended pleadings are 3-29-19; expert disclosures are Not Applicable; file dispositive motions by 7-29-19. Trial ready the first part of Fall 2019. Scheduling Order will issue. Counsel can approach the Judge to go to Trial earlier. Commissioner suggested a Mandatory Settlement Conference, and work with Department 30 earlier rather than later.;*

07/02/2019



**Minute Order** (12:19 PM) (Judicial Officer: Johnson, Eric)

*Minute Order Re: Motion for Leave*

Minute Order - No Hearing Held;

Journal Entry Details:

*Plaintiff William Harry Resh filed a Motion for Leave to File Amended Complaint on May 29, 2019. The matter was subsequently scheduled for hearing on July 3, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c) the Court hereby GRANTS the Motion for Leave to File Amended Complaint. The Court hereby VACATES the July 3, 2019 hearing. Counsel for Plaintiff is directed to prepare a proposed order 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. ;*

07/03/2019

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

*Vacated - per Law Clerk*

*Plaintiff's Motion for Leave to File Amended Complaint*

10/16/2019



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

*Defendant Motion to Dismiss and Motion for Attorney Fees and Costs*

Motion Denied;

Journal Entry Details:

*Court agreed the doctor falls within the concept of consumer under the statute. Argument by Mr. Faux that the issue is not whether Dr. Resh is in the business of buying and selling cars, but in the nature of this transaction. Court noted the doctor got the car intending to be the final user and not for sale. Argument by Mr. Berkley that Dr. Resh determined during divorce proceedings that it was best to get rid of his vehicles, noting there is nothing in the statute that would indicate that a consumer like Dr. Resh loses the protection of NRS 482.345 because he decided to sell his car at auction. COURT FINDS, Dr. Resh intended to be the final user of the car and ORDERED, Motion to Dismiss DENIED; Motion for Attorney Fees and Costs DENIED. Mr. Berkley to prepare the order.;*

10/23/2019



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

Reset;

Journal Entry Details:

*Upon Court's inquiry, Mr. Faux advised he is not ready for trial, needs discovery, maybe will need depositions and would like to review the transaction in more detail. Following colloquy, Mr. Berkley feels it will be a one day bench trial and has no objection to a short continuance. COURT ORDERED, trial date VACATED, RESET and also SET for status check to see if this trial date is viable. 11/20/19 8:30 AM STATUS CHECK 1/22/20 8:30 AM CALENDAR CALL 2/10/20 9:00 AM BENCH TRIAL.;*

11/18/2019

**CANCELED Bench Trial** (9:30 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

11/20/2019



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

Matter Heard;





Journal Entry Details:

*Colloquy regarding remaining depositions and a bench trial estimate of one (1) day. Counsel indicated they were prepared to proceed on the February 10, 2020 Bench Trial date. COURT ORDERED, matter heard.;*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-18-775815-C**

01/22/2020	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Johnson, Eric) Trial Date Set; Journal Entry Details: <i>Upon Court's inquiry, Mr. Berkley advised he is still doing discovery, that in speaking with counsel and experts, the dates of 5/6 or 5/7 will work as they feel this is a one day trial. Mr. Faux and Mr. Williams concurred. Further, following colloquy, counsel to submit a Stipulation as to the close of discovery. COURT ORDERED, a FIRM trial date to be set. 5/6/20 9:30 AM BENCH TRIAL;</i>
02/10/2020	<b>CANCELED Bench Trial</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
05/06/2020	<b>CANCELED Bench Trial - FIRM</b> (9:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
06/22/2020	<b>CANCELED Bench Trial</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Stipulation and Order</i>
06/30/2020	<b>CANCELED Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
07/28/2020	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>Mr. Berkley, Mr. Faux, and Mr. Knecht appeared by phone via Blue Jeans. Court noted it had received Plaintiff's brief and Defendant's response. Upon Court's inquiry, Mr. Berkley stated he also received Defendant's brief. Arguments by Mr. Berkley and Mr. Faux. Court stated the automatic stay protects the assets of the debtor. Mr. Berkley argued there are no factual disputes and a bond for \$100,000.00 has been posted. Court suggested the Plaintiff move for summary judgment on this case, and if the case is not available for summary judgment at that time or he finds issues of fact requiring a trial, he will set the case for trial. Further, Court stated it would revisit the issue of the automatic stay as it pertains to going forward with trial. Following colloquy, COURT ORDERED, matter SET for Motion for Summary Judgment and the parties were notified of the following briefing schedule: Plaintiff's Motion due by 8/11/2020, Defendant's Response due by 8/25/2020, And Plaintiff's reply is due by 9/1/2020. 9/16/20 8:30 AM MOTION FOR SUMMARY JUDGMENT;</i>
09/15/2020	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: <i>Plaintiff William Harry Resh filed a Motion for Summary Judgment on August 11, 2020. The matter was subsequently scheduled for hearing on September 16, 2020. After considering the pleadings and argument of counsel, the Court GRANTS Plaintiff Resh's Motion for Summary Judgment. The Court finds Plaintiff Resh falls within the definition of consumer as set forth in NRS 482.345 and Plaintiff intended to be the final user of the vehicle at issue. As no genuine issue of material fact remains, the Court finds summary judgment is appropriate. The Court hereby VACATES the September 16, 2020 hearing. Counsel for Plaintiff Resh is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers in Microsoft word format, by email to dept20lc@clarkcountycourts.us. Law Clerk to notify parties. ;</i>
09/16/2020	<b>CANCELED Motion for Summary Judgment</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - Duplicate Entry</i> <i>Motion for Summary Judgment (to be filed by August 11, 2020)</i>
09/16/2020	<b>CANCELED Motion for Summary Judgment</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>Plaintiff's Motion for Summary Judgment</i>
11/04/2020	 <b>Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Johnson, Eric)

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-18-775815-C**

*Plaintiff's Motion for Attorney's Fees and Costs*

Granted;

Journal Entry Details:

*Mr. Faux argued he would rely on the papers and arguments asserted in their pleadings. Mr. Berkley argued they made an offer of judgment and the surety did not obtain a more favorable verdict or judgment, therefore, under NRCP 68 they should be entitled to attorney's fees and costs. Further, Mr. Berkley requested the Court consider NRS 18.010. Mr. Faux started to argue in terms of NRS 18.010 and Court interjected; the Court will not find on NRS 18.010 as it does not believe Deft. has reached the level of frivolousness or vexatiousness that the statute requires. Mr. Faux argued under the Beattie factors Western National's rejection of the offer of judgement was reasonable and justified under the facts of this case. Mr. Faux requested if the Court is inclined to award fees, that those fees should be discounted based on the block billing and the high minimum hourly entry. COURT FINDS under Rule 68 considering the Beattie factors, the Plaintiff's claim was brought in good faith, the offer was reasonable and in good faith both as to timing and in amount; as to whether the rejection of the offer and proceeding to trial was grossly unreasonable or bad faith, if it wasn't grossly unreasonable, but it was unreasonable in an obvious way, therefore, COURT ORDERED motion GRANTED. COURT DIRECTED Pltf. prepare an order setting out the Courts findings as it relates to the Rule 68 under Beattie and under Brunzell and leave the amount for attorney's fees open. Mr. Berkley requested to be allowed to file a supplemental demonstrating his time for September and October. There being no opposition, COURT ORDERED, request GRANTED. ;*

DATE

FINANCIAL INFORMATION

**Defendant** Legaspi, Robert

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 2/11/2021 0.00**

**Defendant** Money Machine LLC

Total Charges 223.00

Total Payments and Credits 223.00

**Balance Due as of 2/11/2021 0.00**

**Defendant** Western National Mutual Insurance Company

Total Charges 494.00

Total Payments and Credits 494.00

**Balance Due as of 2/11/2021 0.00**

**Plaintiff** Resh, William Harry

Total Charges 582.00

Total Payments and Credits 582.00

**Balance Due as of 2/11/2021 0.00**

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 12

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

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): WILLIAM HARRY RESH, an individual	Defendant(s) (name/address/phone): MONEY MACHINE, LLC, a Nevada limited liability company dba COMPADRES AUTO SALES
Attorney (name/address/phone): FREDERIC I. BERKLEY, ESQ. SKLAR WILLIAMS PLLC 410 S. RAMPART BLVD., STE.350, LAS VEGAS NV 89145 (702) 360-6000	Attorney (name/address/phone):

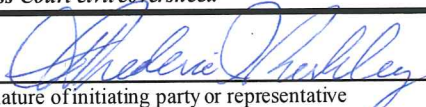
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

6/7/2018

Date

  
 Signature of initiating party or representative

See other side for family-related case filings.

**ORDR**

FREDERIC I. BERKLEY, ESQ.

Nevada Bar No.: 1798

SKLAR WILLIAMS PLLC

410 South Rampart Blvd., Suite 350

Las Vegas, Nevada 89145

Telephone: (702) 360-6000

Facsimile: (702) 360-0000

Email: [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

*Attorneys for Plaintiff*

*William Harry Resh*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WILLIAM HARRY RESH, an individual,

Plaintiff,

v.

MONEY MACHINE, LLC, a Nevada limited liability company dba COMPADRES AUTO SALES; ROBERT LEGASPI, an individual, WESTERN NATIONAL MUTUAL INSURANCE COMPANY, a Minnesota corporation; DOES I through X; and ROE CORPORATIONS I THROUGH X.

Defendants.

Case No.: A-18-775815-C

Dept. No.: XX

**ORDER**

This matter having come before the Court on the 4th day of November, 2020, on Plaintiff's Motion for Attorney's Fees and Costs, the Opposition to Plaintiff's Motion for Attorney's Fees and Costs, Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs and Supplement to Plaintiff's Motion for Attorney's Fees and Costs, and the Court having considered same and the arguments of counsel, hereby finds as follows:

This Court finds that Plaintiff shall be granted attorney's fees and costs under NRCP 68 rather than NRS 18.010 as the Court does not believe that Defendant has demonstrated a level of frivolousness or vexatiousness that NRS 18.010 requires.

This Court has considered the *Beattie* factors and finds that the Plaintiff's claim was

1 brought in good faith, that the Offer of Judgment was reasonable and in good faith in both its  
2 timing and amount, that if Defendant's decision to reject and to proceed to trial was not grossly  
3 unreasonable, it was unreasonable in an obvious way and that the fees being sought by Plaintiff  
4 are reasonable and justified in amount.

5 In addition, this Court carefully considered the *Brunzell* factors in determining the amount  
6 of attorney's fees to be awarded and specifically considered the qualities of the advocate: his  
7 ability, training, education, experience, professional standing and skill, the character of the work  
8 that was done, the work actually performed by Plaintiff's counsel and the result achieved by  
9 Plaintiff's counsel and the benefits derived.

10 Based on these findings, this Court awards Plaintiff attorney's fees in the amount of  
11 \$ 31565.62, plus costs in the amount of \$ 2666.65.

12 This Order is reduced to Judgment in favor of Plaintiff William Harry Resh against  
13 Defendant Western National Mutual Insurance Company. Dated this 14th day of January, 2021

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



15  
16  
17 **DISTRICT COURT JUDGE**  
18 **ATA 37D E6C9 43C9**  
19 **Eric Johnson**  
20 **District Court Judge**

21 Prepared by:

Read and approved by:

22 SKLAR WILLIAMS PLLC

FAUX LAW GROUP

23 By: /s/ Frederic I. Berkley  
24 FREDERIC I. BERKLEY, ESQ.  
25 Nevada Bar No.: 1798  
26 410 South Rampart Boulevard  
27 Las Vegas, Nevada 89145  
28 Telephone: (702) 360-6000  
Facsimile: (702) 360-0000

*Attorneys for Plaintiff  
William Harry Resh*

By: /s/ Jordan F. Faux  
JORDAN F. FAUX, ESQ.  
Nevada Bar No.: 12205  
2625 N. Green Valley Pkwy., #100  
Henderson, Nevada 89014  
Telephone: (702) 458-5790  
Facsimile: (702) 458-5794

*Attorneys for Defendant Western National  
Mutual Insurance Company*

---

**From:** Frederic Berkley  
**Sent:** Monday, November 16, 2020 9:21 AM  
**To:** Gene Crawford  
**Subject:** FW: Resh v. Money Machine, et al.

---

**From:** Jordan Faux <[jfaux@fauxlaw.com](mailto:jfaux@fauxlaw.com)>  
**Sent:** Friday, November 13, 2020 5:21 PM  
**To:** Frederic Berkley <[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)>  
**Subject:** RE: Resh v. Money Machine, et al.

Mr. Berkley,

You may affix my electronic signature. If you need a wet signature, please let me know and I will provide.

Please also let me know regarding stipulating to waive the appeal bond at your convenience.

Thanks,  
--Jordan

Jordan F. Faux, Esq. | THE FAUX LAW GROUP | 2625 N. Green Valley Pkwy, Suite 100, Henderson, NV 89074 | T: 702.458.5790 | F: 702.458.5794 | [jfaux@fauxlaw.com](mailto:jfaux@fauxlaw.com)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 William Resh, Plaintiff(s)

CASE NO: A-18-775815-C

7 vs.

DEPT. NO. Department 20

8 Money Machine LLC,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/14/2021

15 Jordan Faux

jfaux@fauxlaw.com

16 Gene Crawford

gcrawford@sklar-law.com

17 Frederic Berkley

fberkley@sklar-law.com

18 Willi Siepmann

wsiepmann@fauxlaw.com

19 Kathy Fenn

kfenn@fauxlaw.com

20 Copy Room

efile@alversontaylor.com

21 Kurt Bonds

kbonds@alversontaylor.com

22 Adam Knecht

aknecht@alversontaylor.com

23 Kurt Faux

kfaux@fauxlaw.com

24 Foniah Abbott

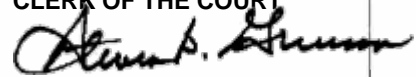
fabbott@fauxlaw.com

25 Terri Scott

tscott@sklar-law.com

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1 **NEOJ**

2 FREDERIC I. BERKLEY, ESQ.

3 Nevada Bar No.: 1798

4 SKLAR WILLIAMS PLLC

5 410 South Rampart Blvd., Suite 350

6 Las Vegas, Nevada 89145

7 Telephone: (702) 360-6000

8 Facsimile: (702) 360-0000

9 Email: [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

10 *Attorneys for Plaintiff*

11 *William Harry Resh*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 WILLIAM HARRY RESH, an individual,

15 Plaintiff,

16 v.

17 MONEY MACHINE, LLC, a Nevada limited  
18 liability company dba COMPADRES AUTO  
19 SALES; ROBERT LEGASPI, an individual,  
20 WESTERN NATIONAL MUTUAL  
21 INSURANCE COMPANY, a Minnesota  
22 corporation; DOES I through X; and ROE  
23 CORPORATIONS I THROUGH X.

24 Defendants.

Case No.: A-18-775815-C

Dept. No.: XX

**NOTICE OF ENTRY OF ORDER**

25 PLEASE TAKE NOTICE that on the 14th day of January, 2021, an Order was entered in  
26 the above-entitled matter, a copy of which is attached hereto.

27 DATED this 14 day of January, 2021.

28 **SKLAR WILLIAMS PLLC**

By   
FREDERIC I. BERKLEY, ESQ.

Nevada Bar No. 1798

410 S. Rampart Blvd., Suite 350

Las Vegas, Nevada 89145

Telephone: (702) 360-6000

Facsimile: (702) 360-0000

*Attorney for Plaintiff*

*William Harry Resh*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 14<sup>th</sup> day of January, 2021, a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and service with the Eighth Judicial District Court. Electronic Service of the foregoing document shall be made to *all parties* listed on the Odyssey EFileNV Service Contact List.



\_\_\_\_\_  
An employee of SKLAR WILLIAMS PLLC

**ORDR**

FREDERIC I. BERKLEY, ESQ.

Nevada Bar No.: 1798

SKLAR WILLIAMS PLLC

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Email: [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

*Attorneys for Plaintiff*

*William Harry Resh*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

WILLIAM HARRY RESH, an individual,

Plaintiff,

v.

MONEY MACHINE, LLC, a Nevada limited liability company dba COMPADRES AUTO SALES; ROBERT LEGASPI, an individual, WESTERN NATIONAL MUTUAL INSURANCE COMPANY, a Minnesota corporation; DOES I through X; and ROE CORPORATIONS I THROUGH X.

Defendants.

Case No.: A-18-775815-C

Dept. No.: XX

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



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18 **ATA 37D E6C9 43C9**  
19 **Eric Johnson**  
20 **District Court Judge**

21 Prepared by:

Read and approved by:

22 SKLAR WILLIAMS PLLC

FAUX LAW GROUP

23 By: /s/ Frederic I. Berkley  
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*Attorneys for Plaintiff  
William Harry Resh*

By: /s/ Jordan F. Faux  
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*Attorneys for Defendant Western National  
Mutual Insurance Company*

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 William Resh, Plaintiff(s)

CASE NO: A-18-775815-C

7 vs.

DEPT. NO. Department 20

8 Money Machine LLC,  
9 Defendant(s)

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25 Terri Scott

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Intentional Misconduct

## COURT MINUTES

September 20, 2018

A-18-775815-C      William Resh, Plaintiff(s)  
vs.  
Money Machine LLC, Defendant(s)

**September 20, 2018      1:30 PM      Minute Order**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Defendant Money Machine, LLC filed a Motion to Set Aside Default on July 30, 2018. The matter was subsequently scheduled for hearing on September 26, 2018.

After considering the pleadings, the Court hereby GRANTS Defendant's Motion to Set Aside Default. The Court finds that good cause has been show and there is minimal prejudice to either side in setting aside the default. The Court finds that the Defendant's lack of filing an Answer was due to excusable neglect and the Defendant was diligent in filing the instant motion to set aside once the Default was discovered. The Court also finds parties are not prejudiced by setting aside the Default because there has not been such a delay that Plaintiff's ability to pursue his claim will be hindered.

The Court hereby VACATES the September 26, 2018 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**February 12, 2019**

---

A-18-775815-C	William Resh, Plaintiff(s)
	vs.
	Money Machine LLC, Defendant(s)

---

**February 12, 2019      10:00 AM      Discovery Conference**

**HEARD BY:** Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Berkley, Frederic I, ESQ	Attorney
	Knecht, Adam R.	Attorney

**JOURNAL ENTRIES**

- Dates provided are not workable with Rule 16.1. Colloquy re: discovery cutoff is 6-28-19; adding parties, amended pleadings, and initial expert disclosures DUE 3-29-19; rebuttal expert disclosures DUE 4-29-19; file dispositive motions by 7-29-19. Mr. Berkley stated a car was sold one year ago for \$143,000. Mr. Knecht filed a Joinder with amended dates.

Counsel anticipate 1 to 2 days for trial re: Intentional misconduct; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 6-28-19; adding parties and amended pleadings are 3-29-19; expert disclosures are Not Applicable; file dispositive motions by 7-29-19. Trial ready the first part of Fall 2019. Scheduling Order will issue. Counsel can approach the Judge to go to Trial earlier. Commissioner suggested a Mandatory Settlement Conference, and work with Department 30 earlier rather than later.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**July 02, 2019**

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A-18-775815-C	William Resh, Plaintiff(s) vs. Money Machine LLC, Defendant(s)
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<b>July 02, 2019</b>	<b>12:19 AM</b>	<b>Minute Order</b>
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**HEARD BY:** Johnson, Eric **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff William Harry Resh filed a Motion for Leave to File Amended Complaint on May 29, 2019. The matter was subsequently scheduled for hearing on July 3, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c) the Court hereby GRANTS the Motion for Leave to File Amended Complaint.

The Court hereby VACATES the July 3, 2019 hearing. Counsel for Plaintiff is directed to prepare a proposed order 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**

**Intentional Misconduct**

**COURT MINUTES**

**October 16, 2019**

---

A-18-775815-C	William Resh, Plaintiff(s) vs. Money Machine LLC, Defendant(s)
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**October 16, 2019      8:30 AM      Motion to Dismiss**

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

**COURT CLERK:** Michaela Tapia

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Berkley, Frederic I, ESQ	Attorney
	Faux, Jordan	Attorney

**JOURNAL ENTRIES**

- Court agreed the doctor falls within the concept of consumer under the statute. Argument by Mr. Faux that the issue is not whether Dr. Resh is in the business of buying and selling cars, but in the nature of this transaction. Court noted the doctor got the car intending to be the final user and not for sale. Argument by Mr. Berkley that Dr. Resh determined during divorce proceedings that it was best to get rid of his vehicles, noting there is nothing in the statute that would indicate that a consumer like Dr. Resh loses the protection of NRS 482.345 because he decided to sell his car at auction. COURT FINDS, Dr. Resh intended to be the final user of the car and ORDERED, Motion to Dismiss DENIED; Motion for Attorney Fees and Costs DENIED. Mr. Berkley to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**October 23, 2019**

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A-18-775815-C      William Resh, Plaintiff(s)  
vs.  
Money Machine LLC, Defendant(s)

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**October 23, 2019      8:30 AM      Calendar Call**

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

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Berkley, Frederic I, ESQ      Attorney  
Faux, Jordan      Attorney  
Knecht, Adam R.      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Faux advised he is not ready for trial, needs discovery, maybe will need depositions and would like to review the transaction in more detail. Following colloquy, Mr. Berkley feels it will be a one day bench trial and has no objection to a short continuance. COURT ORDERED, trial date VACATED, RESET and also SET for status check to see if this trial date is viable.

11/20/19 8:30 AM STATUS CHECK

1/22/20 8:30 AM CALENDAR CALL

2/10/20 9:00 AM BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**November 20, 2019**

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A-18-775815-C      William Resh, Plaintiff(s)  
vs.  
Money Machine LLC, Defendant(s)

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**November 20, 2019      8:30 AM      Status Check**

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

**COURT CLERK:** Natalie Ortega

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** Berkley, Frederic I, ESQ      Attorney  
Knecht, Adam R.      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding remaining depositions and a bench trial estimate of one (1) day. Counsel indicated they were prepared to proceed on the February 10, 2020 Bench Trial date. COURT ORDERED, matter heard.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**January 22, 2020**

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A-18-775815-C      William Resh, Plaintiff(s)  
vs.  
Money Machine LLC, Defendant(s)

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**January 22, 2020      8:30 AM      Calendar Call**

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

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Berkley, Frederic I, ESQ      Attorney  
Faux, Jordan      Attorney  
Williams, Alexander P.      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Berkley advised he is still doing discovery, that in speaking with counsel and experts, the dates of 5/6 or 5/7 will work as they feel this is a one day trial. Mr. Faux and Mr. Williams concurred. Further, following colloquy, counsel to submit a Stipulation as to the close of discovery. COURT ORDERED, a FIRM trial date to be set.

5/6/20 9:30 AM BENCH TRIAL



9/16/20 8:30 AM MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**September 15, 2020**

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A-18-775815-C      William Resh, Plaintiff(s)  
vs.  
Money Machine LLC, Defendant(s)

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**September 15, 2020      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Eric      **COURTROOM:** Chambers

**COURT CLERK:** Grecia Snow

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff William Harry Resh filed a Motion for Summary Judgment on August 11, 2020. The matter was subsequently scheduled for hearing on September 16, 2020.

After considering the pleadings and argument of counsel, the Court GRANTS Plaintiff Resh s Motion for Summary Judgment. The Court finds Plaintiff Resh falls within the definition of consumer as set forth in NRS 482.345 and Plaintiff intended to be the final user of the vehicle at issue. As no genuine issue of material fact remains, the Court finds summary judgment is appropriate.

The Court hereby VACATES the September 16, 2020 hearing. Counsel for Plaintiff Resh is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers in Microsoft word format, by email to dept20lc@clarkcountycourts.us. Law Clerk to notify parties.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**November 04, 2020**

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A-18-775815-C	William Resh, Plaintiff(s)
	vs.
	Money Machine LLC, Defendant(s)

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<b>November 04, 2020</b>	<b>9:00 AM</b>	<b>Motion for Attorney Fees and Costs</b>
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<b>HEARD BY:</b> Johnson, Eric	<b>COURTROOM:</b> RJC Courtroom 12A
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**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Berkley, Frederic I, ESQ	Attorney
	Faux, Jordan	Attorney

**JOURNAL ENTRIES**

- Mr. Faux argued he would rely on the papers and arguments asserted in their pleadings. Mr. Berkley argued they made an offer of judgment and the surety did not obtain a more favorable verdict or judgment, therefore, under NRCp 68 they should be entitled to attorney s fees and costs. Further, Mr. Berkley requested the Court consider NRS 18.010. Mr. Faux started to argue in terms of NRS 18.010 and Court interjected; the Court will not find on NRS 18.010 as it does not believe Deft. has reached the level of frivolousness or vexatiousness that the statute requires. Mr. Faux argued under the Beattie factors Western National's rejection of the offer of judgement was reasonable and justified under the facts of this case. Mr. Faux requested if the Court is inclined to award fees, that those fees should be discounted based on the block billing and the high minimum hourly entry.

COURT FINDS under Rule 68 considering the Beattie factors, the Plaintiff's claim was brought in good faith, the offer was reasonable and in good faith both as to timing and in amount; as to whether the rejection of the offer and proceeding to trial was grossly unreasonable or bad faith, if it wasn't grossly unreasonable, but it was unreasonable in an obvious way, therefore, COURT ORDERED motion GRANTED. COURT DIRECTED Pltf. prepare an order setting out the Courts findings as it relates to the Rule 68 under Beattie and under Brunzell and leave the amount for attorney's fees open.

Mr. Berkley requested to be allowed to file a supplemental demonstrating his time for September and October. There being no opposition, COURT ORDERED, request GRANTED.



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

**KURT C. FAUX, ESQ.**  
**2625 N. GREEN VALLEY PKWY., #100**  
**HENDERSON, NV 89014**

**DATE: February 11, 2021**  
**CASE: A-18-775815-C**

**RE CASE:** WILLIAM HARRY RESH vs. MONEY MACHINE, LLC dba COMPADRES AUTO SALES; ROBERT LEGASPI; WESTERN NATIONAL MUTUAL INSURANCE COMPANY

NOTICE OF APPEAL FILED: February 10, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

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

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (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.***

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT  
COURT MINUTES; NOTICE OF DEFICIENCY

WILLIAM HARRY RESH,

Plaintiff(s),

vs.

MONEY MACHINE, LLC dba COMPADRES  
AUTO SALES; ROBERT LEGASPI;  
WESTERN NATIONAL MUTUAL  
INSURANCE COMPANY,

Defendant(s),

Case No: A-18-775815-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 11 day of February 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk