

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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CASE NO.: 82475

Electronically Filed  
Sep 17 2021 09:45 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

WESTERN NATIONAL MUTUAL INSURANCE COMPANY, A MINNESOTA  
CORPORATION

*Appellant*

v.

WILLIAM HARRY RESH, AN INDIVIDUAL

*Respondent*

---

Appeal from Eighth Judicial District Court of Clark County Nevada  
(The Honorable Judge Eric Johnson)

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**JOINT APPENDIX – VOLUME III**

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Kurt C. Faux, Esq.  
Nevada Bar No. 03407  
Jordan F. Faux, Esq.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
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*Attorneys for Appellant*

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T: (702) 360-6000  
*Attorney for Respondent*

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WESTERN NATIONAL MUTUAL  
INSURANCE COMPANY, A Minnesota  
Corporation

Appellant,

v.

WILLIAM HARRY RESH, an individual,  
Respondent.

**Supreme Court Case No.  
82475**

District Court Case No.  
A775815

**JOINT APPENDIX**

**Volume III**

Appellant, Western National Mutual Insurance Company (“WNMIC”), by and through its counsel, Kurt C. Faux, Esq. and Jordan F. Faux, Esq. of The Faux Law Group, and Respondent, William Harry Resh, by and through his counsel, Frederic I. Berkley, Esq. of Sklar Williams PLLC, hereby submit their Joint Appendix.

DATED this 15th day of September, 2021.

By: /s/ Jordan F. Faux

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By: /s/ Frederic I. Berkley

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*Attorneys for William Harry Resh*

## **JOINT APPENDIX**

<b>Pleading Title</b>	<b>Ex.</b>	<b>Vol:Pgs</b>
Acceptance of Service by Western National Mutual Insurance Company of Summons and Amended Complaint, signed 7/23/19	9	I:75
Amended Declaration of Service of Summons and Complaint on Defendant Money Machine LLC dba Compadres Auto Sales, filed 7/2/18	3	I:8
Declaration of Service of Summons and Amended Complaint on Defendant Robert Legaspi, filed 7/30/19	11	I:79
Declaration of Service of Summons and Amended Complaint on Defendant Money Machine, LLC dba Compadres Auto Sales, filed 7/30/19	13	I:83
Defendant Money Machine, LLC dba Compadres Auto Sales' Answer to Complaint, filed 11/19/18	4	I:9-13
Findings of Fact and Conclusions of Law and Order Granting Summary Judgment, filed 10/13/20	26	II:413-417
Money Machine, LLC dba Compadres Auto Sales and Robert Legaspi's Answer to Amended Complaint, filed 8/20/19	14	I:84-88
Nevada Supreme Court Order Dismissing Appeal of Findings of Fact and Conclusions of Law and Order Granting Summary Judgment, filed 2/26/21	35	III:556-557
Notice of Appeal of Findings of Fact and Conclusions of Law and Order Granting Summary Judgment and Order Granting William Harry Resh's Motion for Attorney's Fees and Costs, filed in District Court 4/20/21; filed in Supreme Court 4/27/21	37	III:566-628
Notice of Appeal of Findings of Fact and Conclusions of Law and Order Granting Summary Judgment, filed in District Court 11/6/20; filed in Supreme Court 11/16/20	31	III:470-501
Notice of Appeal of Order Granting William Harry Resh's Motion for Attorney's Fees and Costs, filed 2/10/21 in District Court; 2/16/21 in Supreme Court	34	III:514-555
Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Summary Judgment, filed 4/29/21	38	III:629-635
Notice of Entry of Order Granting William Harry Resh's Motion for Attorney's Fees and Costs, filed 1/14/21	33	III:507-513

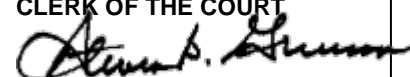
Notice of Entry of Order Granting William Harry Resh's Motion for Leave to File Amended Complaint, filed 7/11/19	6	I:63-66
Offer of Judgment, filed 11/26/19	20	I:147-149
Order Granting William Harry Resh's Motion for Attorney's Fees and Costs, filed 1/14/21	32	III:502-506
Robert Legaspi Nevada's Notice of Bankruptcy Filing and Imposition of Automatic Stay, filed 6/1/20	21	I:150-249
Recorder's Transcript of Proceedings: Motion for Attorney Fees and Costs, hearing held 11/4/20	29	II:450-460
Recorder's Transcript of Proceedings: Motion to Dismiss, hearing held 10/16/19	18	I:133-141
Stipulation and Order Certifying Judgments as Final Pursuant to NRCP 45(b), filed 4/14/21	36	III:558-565
Summons for Amended Complaint – Money Machine LLC dba Compadres Auto Sales, filed 7/30/19	12	I:80-82
Summons for Amended Complaint – Robert Legaspi, filed 7/30/19	10	I:76-78
Summons for Amended Complaint - Western National Mutual Insurance Company, issued 7/11/19	8	I:72-74
Summons for Complaint – Money Machine LLC dba Compadres Auto Sales, issued 6/8/18	2	I:5-7
Supplement to William Harry Resh's Motion for Attorney's Fees and Costs, filed 11/6/20	30	II:461-469
Western National Mutual Insurance Company's Answer to Amended Complaint, filed 11/20/19	19	I:142-146
Western National Mutual Insurance Company's Motion to Dismiss and Motion for Attorney Fees and Costs, filed 8/30/19	15	I:89-104
Western National Mutual Insurance Company's Opposition to Motion for Attorney Fees and Costs, filed 10/15/20	27	II:418-439
Western National Mutual Insurance Company's Opposition to Motion for Summary Judgment, filed 8/25/20	23	II:296-316
Western National Mutual Insurance Company's Reply to William Harry Resh's Opposition to Motion to Dismiss and Motion for Attorney Fees and Costs, filed 10/10/19	17	I:126-132
William Harry Resh's Amended Complaint, filed 7/11/19	7	I:67-71
William Harry Resh's Complaint against Money Machine, LLC dba Compadres Auto Sales in A-18-775815-C, filed 6/8/18	1	I:1-4



William Harry Resh's Motion for Attorneys' Fees and Costs, filed 10/1/20	25	II:360-412
William Harry Resh's Motion for Leave to File Amended Complaint, filed 5/29/19	5	I:14-62
William Harry Resh's Motion for Summary Judgment w/Affidavits of William Harry Resh and Robert Larson, filed 8/11/20	22	II:250-295
William Harry Resh's Opposition to Motion to Dismiss and Motion for Attorney Fees and Costs, filed 9/6/19	16	I:105-125
William Harry Resh's Reply to Opposition to Motion for Summary Judgment, filed 9/1/20	24	II:317-359
William Harry Resh's Reply to Western National Mutual Insurance Company's Opposition to Motion for Attorney's Fees and Costs, filed 10/23/20	28	II:440-449

EXHIBIT 31

EXHIBIT 31



Electronically Filed  
Nov 16 2020 11:59 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  
9 Telephone: (702) 458-5790  
10 Facsimile: (702) 458-5794  
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  
12 WILLIAM HARRY RESH, an individual,  
13 Plaintiff,

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

**NOTICE OF APPEAL**

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  
INSURANCE COMPANY, a Minnesota  
corporation; DOES I through X; and ROE  
CORPORATIONS I through X,

19 Defendants.

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

21 ///

22 ///

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27 ///

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1 above-named, hereby appeals to the Supreme Court of Nevada from the Findings of Fact and  
2 Conclusions of Law and Order Granting Summary Judgment entered in this action on the thirteenth  
3 day of October, 2020.

4 DATED this 6th day of November, 2020.

5 THE FAUX LAW GROUP

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

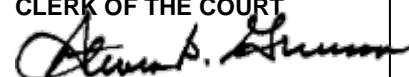
17 **CERTIFICATE OF SERVICE**

18 The undersigned, an employee of The Faux Law Group, hereby certifies that on the 6th day of  
19 November, 2020, I served a copy of the foregoing document, **NOTICE OF APPEAL** on the parties  
20 listed below via the Court's electronic service system:

21 Frederic I. Berkley, Esq.  
22 SKYLAR WILLIAMS, PLLC  
23 410 S. Rampart Blvd., Suite 350  
24 Las Vegas, NV 89145  
25 *Attorneys for William Harry Resh*

26 Adam Knecht, Esq.  
27 Alverson, Taylor, Mortensen, & Sanders  
28 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*

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



ASTA  
KURT C. FAUX, ESQ.  
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JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
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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, Findings of Fact and Conclusions of Law and Order Granting Summary Judgment.
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:** Not applicable

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 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 William Harry Resh qualifies as a "consumer" as defined by NRS 482.345(10) and therefore entitled to make claim upon the Bond.

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:** Not applicable.

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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 6th day of November, 2020.

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 6th day of November, 2020, 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)**

§  
§  
§  
§  
§

Location: **Department 20**  
 Judicial Officer: **Johnson, Eric**  
 Filed on: **06/08/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A775815**

**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**

<b>Plaintiff</b>	<b>Resh, William Harry</b>	<i>Lead Attorneys</i> <b>Berkley, Frederic I, ESQ</b> <i>Retained</i> 702-360-6000(W)
<b>Defendant</b>	<b>Legaspi, Robert</b>	<b>Bonds, Kurt R.</b> <i>Retained</i> 702-384-7000(W)
	<b>Money Machine LLC</b>	<b>Bonds, Kurt R.</b> <i>Retained</i> 702-384-7000(W)
	<b>Western National Mutual Insurance Company</b>	<b>Faux, Kurt C.</b> <i>Retained</i> 7024585790(W)

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

06/08/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
06/08/2018	 Complaint Filed By: Plaintiff Resh, William Harry <i>Complaint</i>
06/08/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Resh, William Harry <i>Summons-Civil</i>
06/11/2018	 Declaration Filed By: Plaintiff Resh, William Harry <i>Declaration of Service</i>



# CASE SUMMARY

CASE NO. A-18-775815-C

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	 Commissioner's 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>
07/24/2019	 Acceptance of Service

**CASE SUMMARY**

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

Filed By: Plaintiff Resh, William Harry  
*Acceptance of Service- Western National Mutual Insurance Company*

07/30/2019



Declaration

Filed By: Defendant Money Machine LLC  
*Declaration of Service- Robert Legaspi, an Individual*

07/30/2019



Declaration

Filed By: Plaintiff Resh, William Harry  
*Declaration of Service- Robert Legaspi, as an Authorized Owner*

07/30/2019



Summons

Filed by: Plaintiff Resh, William Harry  
*Summons- Robert Legaspi*

07/30/2019



Summons

Filed by: Plaintiff Resh, William Harry  
*Summons- Robert Legaspi, As Authorized Owner of MM*

08/20/2019



Answer to Amended Complaint

Filed By: Defendant Money Machine LLC  
*Defendants Money Machine LLC d/b/a/ Compadres Auto Sales and Robert Legaspi's Answer to Amended Complaint*

08/30/2019



Motion to Dismiss

Filed By: Defendant Western National Mutual Insurance Company  
*Motion to Dismiss and Motion for Attorney Fees and Costs*

08/30/2019



Initial Appearance Fee Disclosure

Filed By: Defendant Western National Mutual Insurance Company  
*Initial Appearance Fee Disclosure*

09/05/2019



Clerk's Notice of Hearing

*Notice of Hearing*

09/06/2019



Opposition to Motion to Dismiss

Filed By: Plaintiff Resh, William Harry  
*Plaintiff's Opposition to Defendant Western National Mutual Insurance Company's Motion to Dismiss and Motion for Attorney's Fees and Costs*

09/13/2019



Stipulation and Order

Filed by: Plaintiff Resh, William Harry  
*Stipulation and Order to Continue Hearing*

10/10/2019



Reply to Opposition

Filed by: Defendant Western National Mutual Insurance Company  
*Reply To Plaintiff's Opposition To Defendant Western National Mutual Insurance Company's Motion To Dismiss And Motion For Attorney Fees And Costs*

10/30/2019



Order

Filed By: Plaintiff Resh, William Harry  
*Order*

10/31/2019



Notice of Entry

# CASE SUMMARY

CASE NO. A-18-775815-C

	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 <i>Notice of Remote Appearance for Status Check</i>

# CASE SUMMARY

CASE NO. A-18-775815-C

07/14/2020	 Brief Filed By: Plaintiff Resh, William Harry <i>Plaintiff William Harry Resh's Brief Regarding Upcoming Status Check</i>
07/24/2020	 Brief Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company s Brief Re; Status Check In Light Of Bankruptcy Of Robert Legaspi</i>
08/11/2020	 Motion for Summary Judgment Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Motion for Summary Judgment</i>
08/25/2020	 Opposition to Motion For Summary Judgment Filed By: Defendant Western National Mutual Insurance Company <i>Opposition to Plaintiff's Motion for Summary Judgment</i>
09/01/2020	 Reply to Opposition Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment</i>
10/01/2020	 Motion for Attorney Fees and Costs Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Motion for Attorney's Fees and Costs</i>
10/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/13/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant Western National Mutual Insurance Company <i>Findings of Fact and Conclusions of Law and Order Granting Summary Judgment</i>
10/15/2020	 Opposition to Motion Filed By: Defendant Western National Mutual Insurance Company <i>Opposition to Plaintiff's Motion for Attorney Fees and Costs</i>
10/23/2020	 Reply to Opposition Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs</i>
11/02/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
11/06/2020	 Notice of Appeal Filed By: Defendant Western National Mutual Insurance Company <i>Notice of Appeal</i>
11/06/2020	 Case Appeal Statement Filed By: Defendant Western National Mutual Insurance Company <i>Case Appeal Statement</i>
11/06/2020	 Supplement

# CASE SUMMARY


CASE NO. A-18-775815-C

Filed by: Plaintiff Resh, William Harry  
Supplement to Plaintiff's Motion for Attorney's Fees and Costs


## 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

## 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:  
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*

# CASE SUMMARY

CASE NO. A-18-775815-C

10/16/2019	 <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Defendant Motion to Dismiss and Motion for Attorney Fees and Costs</i> Motion Denied; Journal Entry Details: <i>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.;</i>
10/23/2019	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Johnson, Eric) Reset; Journal Entry Details: <i>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;</i>
11/18/2019	<b>CANCELED Bench Trial</b> (9:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
11/20/2019	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>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.;</i>
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</i>



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

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;

09/15/2020



**Minute Order (3:00 AM)** (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

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. ;

09/16/2020

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

Vacated - Duplicate Entry

Motion for Summary Judgment (to be filed by August 11, 2020)

09/16/2020

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

Vacated - per Law Clerk

Plaintiff's Motion for Summary Judgment

11/04/2020

**Motion for Attorney Fees and Costs (9:00 AM)** (Judicial Officer: Johnson, Eric)

Plaintiff's Motion for Attorney's Fees and Costs

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Legaspi, Robert

Total Charges

30.00

Total Payments and Credits

30.00

**Balance Due as of 11/9/2020**

**0.00**

**Defendant** Money Machine LLC

Total Charges

223.00

Total Payments and Credits

223.00

**Balance Due as of 11/9/2020**

**0.00**

**Defendant** Western National Mutual Insurance Company

Total Charges

470.00

Total Payments and Credits

470.00

**Balance Due as of 11/9/2020**

**0.00**

**Plaintiff** Resh, William Harry

Total Charges

578.50

Total Payments and Credits

578.50

**Balance Due as of 11/9/2020**

**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.

*Heather S. Hume*

CLERK OF THE COURT

**FFCO**

KURT C. FAUX, ESQ.  
Nevada Bar No. 003407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
2625 N. Green Valley Parkway, #100  
Henderson, Nevada 89014  
Telephone: (702) 458-5790  
Facsimile: (702) 458-5794  
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

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AND  
ORDER GRANTING  
SUMMARY JUDGMENT**

This matter having come before the Court on Plaintiff's Motion for Summary Judgment, and the Court having considered the aforementioned Plaintiff's Motion for Summary Judgment, the Opposition to Plaintiff's Motion for Summary Judgment and Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment, and all of the pleadings on file herein, this Court enters the following Findings of Fact and Conclusion of Law:

**FINDINGS OF FACT**

1. Plaintiff William Harry Resh (hereinafter referred to as "Dr. Resh") is a Board-certified cardiologist with Nevada Heart and Vascular Center and is, and was during all times relevant herein, a resident of the state of Nevada.

3. In February and March 2018, Dr. Resh attempted to sell his vehicle through auction with the assistance of a family friend, Robert Larson.

## CONCLUSIONS OF LAW

1. Dr. Resh falls within the definition of "consumer" as set forth at NRS 482.345.
2. Dr. Resh intended to be the final user of the vehicle at issue.
3. Compadres has wrongfully converted the sales proceeds of Dr. Resh's vehicle in the sum of \$143,895.

1           4.       WNMIC is liable to Dr. Resh under the terms of the Vehicle Industry Business  
2 License Bond number 37029.

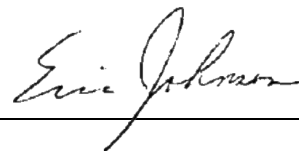
3           5.       Any Conclusion of Law which should more properly be set forth as a Finding of Fact  
4 is hereby deemed a Finding of Fact, and vice versa.

5                               **ORDER GRANTING SUMMARY JUDGMENT**

6           Based on the aforementioned Findings of Fact and Conclusions of Law, and this Court  
7 specifically finding that there are no remaining genuine issues of material fact, this Court hereby  
8 grants Plaintiff's Motion for Summary Judgement against Defendant Western National Mutual  
9 Insurance Company and finds that Dr. Resh shall have Judgment against this Defendant in the  
10 amount of \$100,000.

11 DATED this \_\_\_\_ day of September, 2020.

Dated this 13th day of October, 2020



**DISTRICT COURT JUDGE**

**16B 532 E326 9824**  
**Eric Johnson**  
**District Court Judge**

12 Submitted by:

13  
14  
15 THE FAUX LAW GROUP

16  
17  
18  
19 \_\_\_\_\_  
20 Kurt C. Faux, Esq.  
21 Jordan F. Faux, Esq.  
22 2625 N. Green Valley Pkwy., Suite 100  
23 Henderson, NV 89014  
24 *Attorneys for Western National Mutual*  
25 *Insurance Company*  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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 Findings of Fact, Conclusions of Law and Order was served via the  
14 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
15 case as listed below:

Service Date: 10/13/2020

16 Jordan Faux	jfaux@fauxlaw.com
17 Gene Crawford	gcrawford@sklar-law.com
18 Frederic Berkley	fberkley@sklar-law.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

26  
27  
28

1 If indicated below, a copy of the above mentioned filings were also served by mail  
2 via United States Postal Service, postage prepaid, to the parties listed below at their last  
3 known addresses on 10/14/2020

4 Kurt Bonds Alverson Taylor & Sanders  
5 Attn: Kurt R. Bonds  
6 6605 Grand Montecito Pkwy., Suite 200  
7 Las Vegas, NV, 89149  
8  
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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**

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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**

**PRESENT:**      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)

---

**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**

**PRESENT:** 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**

---

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

---

**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**

---

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

---

**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

September 15, 2020

JA 00499





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: November 9, 2020**  
**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: November 6, 2020

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

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

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

---

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

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

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

---

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING SUMMARY JUDGMENT; 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 9 day of November 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

EXHIBIT 32

EXHIBIT 32

**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 AIA 37D E6C9 43C9  
Eric Johnson  
District Court Judge

19 Prepared by:

Read and approved by:

20 SKLAR WILLIAMS PLLC

FAUX LAW GROUP

21  
22 By: /s/ Frederic I. Berkley  
23 FREDERIC I. BERKLEY, ESQ.  
24 Nevada Bar No.: 1798  
410 South Rampart Boulevard  
25 Las Vegas, Nevada 89145  
Telephone: (702) 360-6000  
Facsimile: (702) 360-0000

26 Attorneys for Plaintiff  
27 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  
4 CLARK COUNTY, NEVADA

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  
14 recipients registered for e-Service on the above entitled case as listed below:

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

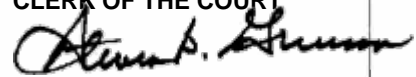
tscott@sklar-law.com

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EXHIBIT 33

EXHIBIT 33



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*

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An employee of SKLAR WILLIAMS PLLC

**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**

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



15  
16  
17 DISTRICT COURT JUDGE  
18 AIA 37D E6C9 43C9  
Eric Johnson  
District Court Judge

19 Prepared by:

Read and approved by:

20 SKLAR WILLIAMS PLLC

FAUX LAW GROUP

21  
22 By: /s/ Frederic I. Berkley  
23 FREDERIC I. BERKLEY, ESQ.  
24 Nevada Bar No.: 1798  
410 South Rampart Boulevard  
25 Las Vegas, Nevada 89145  
Telephone: (702) 360-6000  
Facsimile: (702) 360-0000

26 Attorneys for Plaintiff  
27 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  
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**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

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22 Adam Knecht

aknecht@alversontaylor.com

23 Kurt Faux

kfaux@fauxlaw.com

24 Foniah Abbott

fabbott@fauxlaw.com

25 Terri Scott

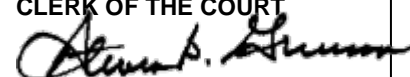
tscott@sklar-law.com

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EXHIBIT 34

EXHIBIT 34



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  
9 Telephone: (702) 458-5790  
10 Facsimile: (702) 458-5794  
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,**

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

**NOTICE OF APPEAL**

13 **v.**

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

21 **Defendants.**

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

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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*

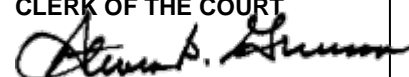
16 **CERTIFICATE OF SERVICE**

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

20 Frederic I. Berkley, Esq.  
21 SKYLAR WILLIAMS, PLLC  
22 410 S. Rampart Blvd., Suite 350  
23 Las Vegas, NV 89145  
24 *Attorneys for William Harry Resh*

25 Adam Knecht, Esq.  
26 Alverson, Taylor, Mortensen, & Sanders  
27 6605 Grand Montecito Pkwy, Suite 200  
28 Las Vegas, Nevada 89149  
Email: aknecht@alversontaylor.com  
*Attorneys for Money Machine, LLC d/b/a*  
*Compadres Auto Sales and Robert Legaspi*

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



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  
Telephone: (702) 458-5790  
Facsimile: (702) 458-5794  
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.;*

# 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

Department 12

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): 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):

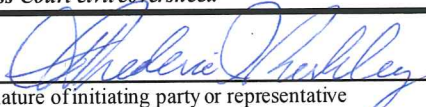
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<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

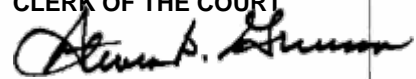
24 Foniah Abbott

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

410 South Rampart Blvd., Suite 350

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Telephone: (702) 360-6000

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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

**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  
4 CLARK COUNTY, NEVADA

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  
14 recipients registered for e-Service on the above entitled case as listed below:

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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September 20, 2018

JA 00542

**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**

**PRESENT:**      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>
----------------------	-----------------	---------------------

**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)

---

**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**

---

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

---

**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**

---

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

---

**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**

---

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

---

**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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct****COURT MINUTES****July 28, 2020**

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

**July 28, 2020                      8:30 AM                      Status Check**

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

**COURT CLERK:** Samantha Albrecht  
                                  Andrea Natali

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- 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.

PRINT DATE: 02/11/2021

Page 8 of 12

Minutes Date: September 20, 2018

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

September 15, 2020

JA 00551

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**November 04, 2020**

---

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

---

**November 04, 2020      9:00 AM      Motion for Attorney Fees  
and Costs**

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

**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** 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

---

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

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

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

---

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; 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

EXHIBIT 35

EXHIBIT 35

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN NATIONAL MUTUAL  
INSURANCE COMPANY, A  
MINNESOTA CORPORATION,

Appellant,

vs.

WILLIAM HARRY RESH, AN  
INDIVIDUAL,

Respondent.

No. 82087

**FILED**

**FEB 26 2021**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

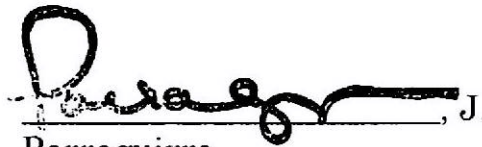
This is an appeal from a district court order granting a motion for summary judgment. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect. It appeared that the challenged order is not appealable as a final judgment under NRAP 3A(b)(1) because respondent's claims against Money Machine, LLC, dba Compadres Auto Sales, and Robert Legaspi remain pending in the district court. See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). In response, appellant appears to concede that the district court has not entered an order resolving the claims against Money Machine or Legaspi. However, it asserts that no claims remain pending in the district court because any debts against Money Machine and Legaspi were discharged in a separate bankruptcy court action.

"[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs." *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). This court

is not convinced that the discharge of debts in a separate bankruptcy court action constitutes a formal resolution of the claims in the underlying district court action. Accordingly, the claims against Money Machine and Legaspi remain pending in the district court and the challenged order is not appealable as a final judgment under NRAP 3A(b)(1). As no other statute or court rule appears to allow an appeal from the challenged order, see *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”), this court lacks jurisdiction and

ORDERS this appeal DISMISSED.<sup>1</sup>

  
Parraguirre, J.

  
Stiglich, J.

  
Silver, J.

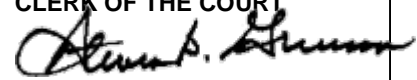
cc: Hon. Eric Johnson, District Judge  
Thomas J. Tanksley, Settlement Judge  
The Faux Law Group  
Sklar Williams LLP  
Eighth District Court Clerk

---

<sup>1</sup>If aggrieved, appellant may file a new notice of appeal if the district court enters an appealable order in the future.

EXHIBIT 36

EXHIBIT 36



1 KURT C. FAUX, ESQ.  
Nevada Bar No. 03407  
2 JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
3 THE FAUX LAW GROUP  
2625 N. Green Valley Pkwy., #100  
Henderson, Nevada 89014  
4 Telephone: (702) 458-5790  
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5 Email: [kfaux@fauxlaw.com](mailto:kfaux@fauxlaw.com)  
[jfaux@fauxlaw.com](mailto:jfaux@fauxlaw.com)  
6 *Attorneys for Western National Mutual  
Insurance Company*

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

9 WILLIAM HARRY RESH, an individual,  
10 Plaintiff,

11 v.

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

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

**NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that on the 14<sup>th</sup> day of April, 2021, an Order was entered into the  
17 above-entitled matter, a copy of which is attached hereto.

18 DATED this 14<sup>th</sup> day of April, 2021.

19 THE FAUX LAW GROUP

20  
21 By: /s/ Kurt C. Faux

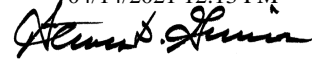
22 Kurt C. Faux, Esq.  
2625 N. Green Valley Pkwy., Suite 100  
Henderson, NV 89014  
23 *Attorneys for Western National Mutual  
Insurance Company*  
24



**CERTIFICATE OF SERVICE**

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 14<sup>th</sup> day of April, 2021, I served a copy of the foregoing document, **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 the parties listed on the Odyssey E-FileNV Service Contact List.

/s/ Kelly McManamon  
An Employee of The Faux Law Group

  
CLERK OF THE COURT

THE FAUX LAW GROUP  
2625 N. GREEN VALLEY PKWY., SUITE 100  
HENDERSON, NEVADA 89014  
TEL. (702) 458-5790

1 **SAO**  
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  
9 Telephone: (702) 458-5790  
10 Facsimile: (702) 458-5794  
11 Email: kfaux@fauxlaw.com  
12 jfaux@fauxlaw.com  
13 *Attorneys for Western National Mutual*  
14 *Insurance Company*

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

10 WILLIAM HARRY RESH, an individual,  
11  
12 Plaintiff,

13 v.

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

21 Defendants.

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

**STIPULATION AND ORDER  
CERTIFYING JUDGMENTS AS FINAL  
PURSUANT TO NRCP 54(b)**

22 Defendant Western National Mutual Insurance Company (“WNMIC”) and Plaintiff William  
23 Harry Resh (“Resh”), by and through their respective counsel of record, respectfully submit the  
24 following Stipulation and Order granting WNMIC’s Motion Requesting 54(b) Certification.

25 The Court granted judgment in favor of Resh and against WNMIC as follows:

- 26 (1) Summary judgment dated October 13, 2020 in the amount of \$100,000.00, the penal sum  
27 of the Motor Vehicle Dealer’s License Bond issued by WNMIC with Money Machine,  
28 LLC d/b/a Compadres Auto Sales (“Compadres”) as Principal (“Liability Judgment”); and  
(2) Attorneys’ Fees and Costs Judgment dated January 14, 2021 in the total amount of  
\$34,232.17 (“Fee Judgment”).

///

1 During the course of this case, Defendant Robert Legaspi, the alleged alter ego of Compadres,  
2 voluntarily petitioned for Chapter 7 bankruptcy. *See*, U.S. Bankruptcy Court, District of Nevada  
3 Petition No.: 20-12626-mkn. On or about August 24, 2020, the Bankruptcy Court discharged any and  
4 all debts against Robert Legaspi. The Chapter 7 case was thereafter closed.

5 WNMIC appealed the Liability Judgment to the Supreme Court on November 6, 2020  
6 (“Liability Appeal”). *See*, Supreme Court Case No. 82087; Dkt. No. 20-41702 (the appeal was  
7 docketed with the Supreme Court on November 16, 2020). WNMIC appealed the Fee Judgment on  
8 February 10, 2021 (“Fee Appeal”). *See*, Supreme Court No. 82475; Dkt. 21-04448 (the appeal was  
9 docketed with the Supreme Court on February 16, 2021).

10 On February 26, 2021, the Liability Appeal was dismissed by the Supreme Court for a  
11 jurisdictional defect stating that Resh’s claims against Compadres and Robert Legaspi remain pending  
12 in the District Court such that the District Court’s Liability Judgment was not final and therefore not  
13 appealable. *See*, Supreme Court Case No. 82087, Dkt. No. 21-05690. Remittitur was issued on March  
14 24, 2021. *Id.* Dkt. No. 21-08374. The Fee Appeal remains pending before the Nevada Supreme Court.

15 On March 26, 2021, WNMIC filed with this court a Motion Requesting NRCP 54(b)  
16 Certification of the Liability Judgment and the Fee Judgment, thereby assuring both to be appealable  
17 under NRAP 3A(b)(1). Pursuant to NRCP 54(b), the District Court is authorized to grant NRCP 54(b)  
18 certification on orders or judgments that dispose of either an entire claim or all claims against one  
19 party:

20 **(b) Judgment on Multiple Claims or Involving Multiple Parties.** When an action  
21 presents more than one claim for relief — whether as a claim, counterclaim, crossclaim,  
22 or third-party claim — or when multiple parties are involved, the court may direct entry  
23 of a final judgment as to one or more, but fewer than all, claims or parties only if the  
24 court expressly determines that there is no just reason for delay. Otherwise, any order  
25 or other decision, however designated, that adjudicates fewer than all the claims or the  
rights and liabilities of fewer than all the parties does not end the action as to any of the  
claims or parties and may be revised at any time before the entry of a judgment  
adjudicating all the claims and all the parties’ rights and liabilities.

26 The Court can certify as final the Liability Judgment and the Fee Judgment as each one  
27 disposes of all Plaintiff’s claims against WNMIC. Therefore, the parties stipulate as follows:  
28

**IT IS HEREBY FURTHER STIPULATED AND AGREED** that Bond No. 60049 posted by WNMIC on February 25, 2021, remain in effect as the Supersedeas Bond throughout the appeal process pursuant to NRCP 62.

DATED this       day of April, 2021.

DATED this       day of April, 2021.

## THE FAUX LAW GROUP

SKLAR WILLIAMS PLLC

By: /s/ Jordan F. Faux  
 KURT C. FAUX, ESQ.  
 Nevada Bar No. 03407  
 JORDAN F. FAUX, ESQ.  
 Nevada Bar No. 12205  
 2625 N. Green Valley Pkwy., #100  
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 Email: kfaux@fauxlaw.com  
       jfaux@fauxlaw.com  
*Attorneys for Western National Mutual  
 Insurance Company*

By: /s/ Frederic I. Berkley  
 FREDERIC I. BERKLEY, ESQ.  
 Nevada Bar No.: 1798  
 410 South Rampart Boulevard, Ste. 350  
 Las Vegas, Nevada 89145  
 Telephone: (702) 360-6000  
 Facsimile: (702) 360-0000  
 Email: fberkley@sklar-law.com  
*Attorneys for William Harry Resh*

## ORDER

Based upon the facts and claims in this lawsuit and the stipulation of WNMIC and Resh as set forth above, the Court expressly determines that there is no just reason for delay and directs entry by this Order that the Liability Judgment and Fee Judgment are final judgments pursuant to NRCP 54(b) as of the date of the entry of this Order.

IT IS SO ORDERED:

Dated this 14th day of April, 2021

Eric Johnson

AD9 294 8C2B 1CBC  
Eric Johnson  
District Court Judge

---

**From:** Frederic Berkley <[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)>  
**Sent:** Thursday, April 8, 2021 10:17 AM  
**To:** Jordan Faux  
**Cc:** Frederic Berkley  
**Subject:** Resh v. Money Machine

Dear Mr. Faux,

I have reviewed your proposed Stipulation and Order Certifying Judgments as Final Pursuant to NRCP 54(b). It is acceptable to me and you may affix my electronic signature. Please let me know when it has been delivered to Judge Johnson for his signature.

*Frederic I. Berkley, Esq.*  
*Sklar Williams PLLC*  
*410 South Rampart Boulevard*  
*Suite 350*  
*Las Vegas, NV 89145*  
*Phone: (702) 360-6000*  
*Fax: (702) 360-0000*  
[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of any of the information contained in or attached to this transmission is prohibited. If you have received this transmission in error, please immediately notify us by reply e-mail, by forwarding this to [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com), or by telephone at (702) 360-6000, and destroy the original transmission and its attachments without reading or saving them in any manner. Thank you.

\*\*\*\*\*

Any tax advice contained in this e-mail was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under the Internal Revenue Code of 1986, as amended.

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 Stipulation and 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: 4/14/2021

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

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20 Copy Room

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21 Kurt Bonds

kbonds@alversontaylor.com

22 Adam Knecht

aknecht@alversontaylor.com

23 Kurt Faux

kfaux@fauxlaw.com

24 Terri Scott

tscott@sklar-law.com

25 Alyson Milner

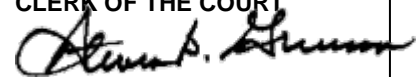
amilner@fauxlaw.com

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EXHIBIT 37

EXHIBIT 37





Electronically Filed  
Apr 27 2021 10:15 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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10 Facsimile: (702) 458-5794  
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**

12 WILLIAM HARRY RESH, an individual,  
13 Plaintiff,

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,

19 Defendants.

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

**NOTICE OF APPEAL**

21 Notice is hereby given that Western National Mutual Insurance Company (“WNMIC”),  
22 defendant above named, hereby appeals to the Supreme Court of Nevada from the Findings of Fact  
23 and Conclusions of Law and Order Granting Summary Judgment entered in this action on the 13<sup>th</sup> day  
24 of October, 2020. WNMIC also hereby appeals to the Supreme Court of Nevada from the Order  
25 granting Plaintiff’s Motion for Attorney’s Fees and Costs entered in this action on the 14<sup>th</sup> day of

26 ///

27 ///

28 ///

January, 2021. Both the Summary Judgment dated October 13, 2020, and the Attorney's Fees and Costs Judgment dated January 14, 2021, were certified as final by the District Court on April 14, 2021.

DATED this 20th day of April, 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*

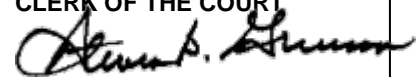
**CERTIFICATE OF SERVICE**

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 20th day of April, 2021, I served a copy of the foregoing document, **NOTICE OF APPEAL** 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



ASTA  
KURT C. FAUX, ESQ.  
Nevada Bar No. 03407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
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Henderson, Nevada 89014  
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Facsimile: (702) 458-5794  
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,

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

v.

**CASE APPEAL STATEMENT**

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.

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:

Findings of Fact and Conclusions of Law and Order Granting Summary Judgment; and 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 is a claim against a Motor Vehicle Dealer's License Bond. On October 13, 2020, summary judgment was granted in favor of 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 William Harry Resh qualifies as a "consumer" as defined by NRS 482.345(10) and therefore entitled to make claim upon the Bond. Western National Mutual Insurance Company is now appealing the Findings of Fact and Conclusions of Law and Order Granting Summary Judgment filed on October 13, 2020.

Plaintiff subsequently filed a Motion for Attorney's Fees and Costs. On January 14, 2021, the District Court filed an Order Granting Plaintiff's Motion for Attorney's 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:** On November 6, 2020, Western National Mutual Insurance Company appealed the District Court's Findings of Fact and Conclusions of Law and Order Granting Summary Judgment, which appeal is docketed as Supreme Court in Case No. 82087. On February 26, 2021, Case No. 82087 was dismissed based on the Nevada Supreme Court's conclusion that the summary judgment was not a final judgment.

On February 10, 2021, Western National Mutual Insurance Company appealed the District Court's Order granting Plaintiff's Motion for Attorney's Fees and Costs, which appeal is docketed as Supreme Court Case No. 82475. Case No. 82475 is pending before the Supreme Court. On April 13, 2021, the Nevada Supreme Court issued an order to show cause whether the judgment is final. Western National Mutual Insurance Company's response to the order to show cause is due on May 13, 2021.

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 20<sup>th</sup> day of April, 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 20th day of April, 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)**§  
§  
§  
§  
§  
§  
§

Location: **Department 20**  
 Judicial Officer: **Johnson, Eric**  
 Filed on: **06/08/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A775815**  
 Supreme Court No.: **82087**  
**82475**


**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**


<b>Plaintiff</b>	<b>Resh, William Harry</b>	<i>Lead Attorneys</i> <b>Berkley, Frederic I, ESQ</b> <i>Retained</i> 702-360-6000(W)
<b>Defendant</b>	<b>Legaspi, Robert</b>	<b>Bonds, Kurt R.</b> <i>Retained</i> 702-384-7000(W)
	<b>Money Machine LLC</b>	<b>Bonds, Kurt R.</b> <i>Retained</i> 702-384-7000(W)
	<b>Western National Mutual Insurance Company</b>	<b>Faux, Kurt C.</b> <i>Retained</i> 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

# CASE SUMMARY

CASE NO. A-18-775815-C

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



# CASE SUMMARY

CASE NO. A-18-775815-C

## COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION - GRANTED

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	

# CASE SUMMARY

CASE NO. A-18-775815-C

	 Notice of Telephonic Hearing Filed by: Defendant Money Machine LLC <i>Notice of Remote Appearance for Status Check</i>
07/14/2020	 Brief Filed By: Plaintiff Resh, William Harry <i>Plaintiff William Harry Resh's Brief Regarding Upcoming Status Check</i>
07/24/2020	 Brief Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company s Brief Re; Status Check In Light Of Bankruptcy Of Robert Legaspi</i>
08/11/2020	 Motion for Summary Judgment Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Motion for Summary Judgment</i>
08/25/2020	 Opposition to Motion For Summary Judgment Filed By: Defendant Western National Mutual Insurance Company <i>Opposition to Plaintiff's Motion for Summary Judgment</i>
09/01/2020	 Reply to Opposition Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment</i>
10/01/2020	 Motion for Attorney Fees and Costs Filed By: Plaintiff Resh, William Harry <i>Plaintiff's Motion for Attorney's Fees and Costs</i>
10/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/13/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant Western National Mutual Insurance Company <i>Findings of Fact and Conclusions of Law and Order Granting Summary Judgment</i>
10/15/2020	 Opposition to Motion Filed By: Defendant Western National Mutual Insurance Company <i>Opposition to Plaintiff's Motion for Attorney Fees and Costs</i>
10/23/2020	 Reply to Opposition Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs</i>
11/02/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
11/06/2020	 Notice of Appeal Filed By: Defendant Western National Mutual Insurance Company <i>Notice of Appeal</i>
11/06/2020	 Case Appeal Statement Filed By: Defendant Western National Mutual Insurance Company <i>Case Appeal Statement</i>

# CASE SUMMARY

CASE NO. A-18-775815-C

11/06/2020	 Supplement Filed by: Plaintiff Resh, William Harry <i>Supplement to Plaintiff's Motion for Attorney's Fees and Costs</i>
01/14/2021	 Order Filed By: Plaintiff Resh, William Harry <i>Order</i>
01/14/2021	 Notice of Entry of Order Filed By: Plaintiff Resh, William Harry <i>Notice of Entry of Order</i>
02/10/2021	 Notice of Appeal Filed By: Defendant Western National Mutual Insurance Company <i>Notice of Appeal</i>
02/10/2021	 Case Appeal Statement Filed By: Defendant Western National Mutual Insurance Company <i>Case Appeal Statement</i>
02/22/2021	 Notice of Filing Cost Bond Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company's Notice of Posting Cash Bond for Costs on Appeal Pursuant to NRAP 7</i>
02/25/2021	 Notice of Posting Bond Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company's Notice of Posting Supersedeas Bond</i>
03/03/2021	 Request Filed by: Defendant Western National Mutual Insurance Company <i>Request for Transcript of Proceedings</i>
03/25/2021	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
03/26/2021	 Motion Filed By: Defendant Western National Mutual Insurance Company <i>Western National Mutual Insurance Company's Motion Requesting NRCP 54(b) Certification</i>
03/26/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/01/2021	 Response Filed by: Plaintiff Resh, William Harry <i>Plaintiff's Response to Western National Mutual Insurance Company's Motion Requesting NRCP 54(b) Certification</i>
04/08/2021	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings: Motion to Dismiss, October 16, 2019</i>
04/08/2021	 Recorders Transcript of Hearing

# CASE SUMMARY

CASE NO. A-18-775815-C

Recorder's Transcript of Proceedings: Motion for Attorney Fees and Costs, November 4, 2020

04/14/2021



Stipulation and Order

*Stipulation and Order Certifying Judgments As Final*

04/14/2021



Notice of Entry of Order

Filed By: Defendant Western National Mutual Insurance Company

*Notice of Entry of Order*

04/20/2021



Notice of Appeal

Filed By: Defendant Western National Mutual Insurance Company

*Notice of Appeal*

04/20/2021



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

03/25/2021

**Clerk's Certificate** (Judicial Officer: Johnson, Eric)

Debtors: Western National Mutual Insurance Company (Defendant)

Creditors: William Harry Resh (Plaintiff)

Judgment: 03/25/2021, Docketed: 04/08/2021

Comment: Supreme Court No. 82087 Appeal Dismissed

## **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)

# CASE SUMMARY

CASE NO. A-18-775815-C

*Notice to Appear for Discovery Conference*

*Scheduling Order Will Issue;*

*Journal Entry Details:*

*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*



# CASE SUMMARY

CASE NO. A-18-775815-C

ORDERED, matter heard.;

01/22/2020



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

Trial Date Set;

Journal Entry Details:

*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;*

02/10/2020

**CANCELED Bench Trial** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

05/06/2020

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

*Vacated*

06/22/2020

**CANCELED Bench Trial** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Vacated - per Stipulation and Order*

06/30/2020

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

*Vacated*

07/28/2020



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

Matter Heard;

Journal Entry Details:

*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;*

09/15/2020



**Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

*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. ;*

09/16/2020

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

*Vacated - Duplicate Entry*

*Motion for Summary Judgment (to be filed by August 11, 2020)*

09/16/2020

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


*Vacated - per Law Clerk*

*Plaintiff's Motion for Summary Judgment*



# CASE SUMMARY

CASE NO. A-18-775815-C

11/04/2020	 <b>Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion for Attorney's Fees and Costs</i> Granted; Journal Entry Details: <i>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. ;</i>
04/28/2021	<b>CANCELED Motion</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Stipulation and Order</i> <i>Western National Mutual Insurance Company's Motion Requesting NRCP 54(b) Certification</i>

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Legaspi, Robert	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 4/22/2021</b>	<b>0.00</b>
<b>Defendant</b> Money Machine LLC	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 4/22/2021</b>	<b>0.00</b>
<b>Defendant</b> Western National Mutual Insurance Company	
Total Charges	518.00
Total Payments and Credits	518.00
<b>Balance Due as of 4/22/2021</b>	<b>0.00</b>
<b>Plaintiff</b> Resh, William Harry	
Total Charges	585.50
Total Payments and Credits	585.50
<b>Balance Due as of 4/22/2021</b>	<b>0.00</b>
<b>Defendant</b> Western National Mutual Insurance Company	
Appeal Bond Balance as of 4/22/2021	<b>500.00</b>

## 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):

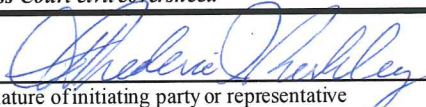
**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<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.

*Heather S. Hume*

CLERK OF THE COURT

**FFCO**

KURT C. FAUX, ESQ.  
Nevada Bar No. 003407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
2625 N. Green Valley Parkway, #100  
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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

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AND  
ORDER GRANTING  
SUMMARY JUDGMENT**

This matter having come before the Court on Plaintiff's Motion for Summary Judgment, and the Court having considered the aforementioned Plaintiff's Motion for Summary Judgment, the Opposition to Plaintiff's Motion for Summary Judgment and Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment, and all of the pleadings on file herein, this Court enters the following Findings of Fact and Conclusion of Law:

**FINDINGS OF FACT**

1. Plaintiff William Harry Resh (hereinafter referred to as "Dr. Resh") is a Board-certified cardiologist with Nevada Heart and Vascular Center and is, and was during all times relevant herein, a resident of the state of Nevada.

3. In February and March 2018, Dr. Resh attempted to sell his vehicle through auction with the assistance of a family friend, Robert Larson.

## CONCLUSIONS OF LAW

1. Dr. Resh falls within the definition of "consumer" as set forth at NRS 482.345.
2. Dr. Resh intended to be the final user of the vehicle at issue.
3. Compadres has wrongfully converted the sales proceeds of Dr. Resh's vehicle in the sum of \$143,895.

4. WNMIC is liable to Dr. Resh under the terms of the Vehicle Industry Business License Bond number 37029.

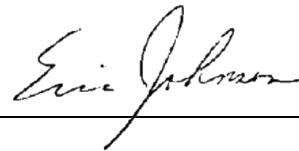
5. Any Conclusion of Law which should more properly be set forth as a Finding of Fact is hereby deemed a Finding of Fact, and vice versa.

**ORDER GRANTING SUMMARY JUDGMENT**

Based on the aforementioned Findings of Fact and Conclusions of Law, and this Court specifically finding that there are no remaining genuine issues of material fact, this Court hereby grants Plaintiff's Motion for Summary Judgement against Defendant Western National Mutual Insurance Company and finds that Dr. Resh shall have Judgment against this Defendant in the amount of \$100,000.

DATED this \_\_\_\_ day of September, 2020.

Dated this 13th day of October, 2020



**DISTRICT COURT JUDGE**

**16B 532 E326 9824**  
**Eric Johnson**  
**District Court Judge**

Submitted by:

THE FAUX LAW GROUP

\_\_\_\_\_  
Kurt C. Faux, Esq.  
Jordan F. Faux, Esq.  
2625 N. Green Valley Pkwy., Suite 100  
Henderson, NV 89014  
*Attorneys for Western National Mutual Insurance Company*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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 Findings of Fact, Conclusions of Law and Order was served via the  
14 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
15 case as listed below:

Service Date: 10/13/2020

16 Jordan Faux

jfaux@fauxlaw.com

17 Gene Crawford

gcrawford@sklar-law.com

18 Frederic Berkley

fberkley@sklar-law.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

1           If indicated below, a copy of the above mentioned filings were also served by mail  
2 via United States Postal Service, postage prepaid, to the parties listed below at their last  
3 known addresses on 10/14/2020

4     Kurt Bonds                   Alverson Taylor & Sanders  
5                                   Attn: Kurt R. Bonds  
6                                   6605 Grand Montecito Pkwy., Suite 200  
7                                   Las Vegas, NV, 89149  
8  
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**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.  
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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  
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**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  
4 CLARK COUNTY, NEVADA

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  
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 1/14/2021

15 Jordan Faux

jfaux@fauxlaw.com

16 Gene Crawford

gcrawford@sklar-law.com

17 Frederic Berkley

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18 Willi Siepmann

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19 Kathy Fenn

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21 Kurt Bonds

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22 Adam Knecht

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23 Kurt Faux

kfaux@fauxlaw.com

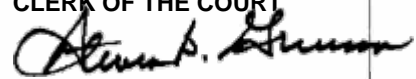
24 Foniah Abbott

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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

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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

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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

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



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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

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*Attorneys for Plaintiff  
William Harry Resh*

By: /s/ Jordan F. Faux  
JORDAN F. FAUX, ESQ.  
Nevada Bar No.: 12205  
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*Attorneys for Defendant Western National  
Mutual Insurance Company*



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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 William Resh, Plaintiff(s)

CASE NO: A-18-775815-C

7 vs.

DEPT. NO. Department 20

8 Money Machine LLC,  
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1 **SAO**  
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  
9 Telephone: (702) 458-5790  
10 Facsimile: (702) 458-5794  
11 Email: kfaux@fauxlaw.com  
12 jfaux@fauxlaw.com  
13 *Attorneys for Western National Mutual*  
14 *Insurance Company*

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

10 WILLIAM HARRY RESH, an individual,  
11  
12 Plaintiff,

13 v.

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

21 Defendants.

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

**STIPULATION AND ORDER  
CERTIFYING JUDGMENTS AS FINAL  
PURSUANT TO NRCP 54(b)**

22 Defendant Western National Mutual Insurance Company (“WNMIC”) and Plaintiff William  
23 Harry Resh (“Resh”), by and through their respective counsel of record, respectfully submit the  
24 following Stipulation and Order granting WNMIC’s Motion Requesting 54(b) Certification.

25 The Court granted judgment in favor of Resh and against WNMIC as follows:

- 26 (1) Summary judgment dated October 13, 2020 in the amount of \$100,000.00, the penal sum  
27 of the Motor Vehicle Dealer’s License Bond issued by WNMIC with Money Machine,  
28 LLC d/b/a Compadres Auto Sales (“Compadres”) as Principal (“Liability Judgment”); and  
(2) Attorneys’ Fees and Costs Judgment dated January 14, 2021 in the total amount of  
\$34,232.17 (“Fee Judgment”).

///

1 During the course of this case, Defendant Robert Legaspi, the alleged alter ego of Compadres,  
2 voluntarily petitioned for Chapter 7 bankruptcy. *See*, U.S. Bankruptcy Court, District of Nevada  
3 Petition No.: 20-12626-mkn. On or about August 24, 2020, the Bankruptcy Court discharged any and  
4 all debts against Robert Legaspi. The Chapter 7 case was thereafter closed.

5 WNMIC appealed the Liability Judgment to the Supreme Court on November 6, 2020  
6 (“Liability Appeal”). *See*, Supreme Court Case No. 82087; Dkt. No. 20-41702 (the appeal was  
7 docketed with the Supreme Court on November 16, 2020). WNMIC appealed the Fee Judgment on  
8 February 10, 2021 (“Fee Appeal”). *See*, Supreme Court No. 82475; Dkt. 21-04448 (the appeal was  
9 docketed with the Supreme Court on February 16, 2021).

10 On February 26, 2021, the Liability Appeal was dismissed by the Supreme Court for a  
11 jurisdictional defect stating that Resh’s claims against Compadres and Robert Legaspi remain pending  
12 in the District Court such that the District Court’s Liability Judgment was not final and therefore not  
13 appealable. *See*, Supreme Court Case No. 82087, Dkt. No. 21-05690. Remittitur was issued on March  
14 24, 2021. *Id.* Dkt. No. 21-08374. The Fee Appeal remains pending before the Nevada Supreme Court.

15 On March 26, 2021, WNMIC filed with this court a Motion Requesting NRCP 54(b)  
16 Certification of the Liability Judgment and the Fee Judgment, thereby assuring both to be appealable  
17 under NRAP 3A(b)(1). Pursuant to NRCP 54(b), the District Court is authorized to grant NRCP 54(b)  
18 certification on orders or judgments that dispose of either an entire claim or all claims against one  
19 party:

20 **(b) Judgment on Multiple Claims or Involving Multiple Parties.** When an action  
21 presents more than one claim for relief — whether as a claim, counterclaim, crossclaim,  
22 or third-party claim — or when multiple parties are involved, the court may direct entry  
23 of a final judgment as to one or more, but fewer than all, claims or parties only if the  
24 court expressly determines that there is no just reason for delay. Otherwise, any order  
25 or other decision, however designated, that adjudicates fewer than all the claims or the  
rights and liabilities of fewer than all the parties does not end the action as to any of the  
claims or parties and may be revised at any time before the entry of a judgment  
adjudicating all the claims and all the parties’ rights and liabilities.

26 The Court can certify as final the Liability Judgment and the Fee Judgment as each one  
27 disposes of all Plaintiff’s claims against WNMIC. Therefore, the parties stipulate as follows:  
28

**IT IS HEREBY STIPULATED AND AGREED** that the Court make an express determination that there is no just reason for delay in certifying as final the Liability Judgment and the Fee Judgment pursuant to NRCP 54(b).

**IT IS HEREBY FURTHER STIPULATED AND AGREED** that Bond No. 60049 posted by WNMIC on February 25, 2021, remain in effect as the Supersedeas Bond throughout the appeal process pursuant to NRCP 62.

DATED this       day of April, 2021.

DATED this       day of April, 2021.

## THE FAUX LAW GROUP

SKLAR WILLIAMS PLLC

By: /s/ Jordan F. Faux

By: /s/ Frederic I. Berkley

KURT C. FAUX, ESQ.

FREDERIC I. BERKLEY, ESQ.

Nevada Bar No. 03407

Nevada Bar No.: 1798

JORDAN F. FAUX, ESQ.

410 South Rampart Boulevard, Ste. 350

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Telephone: (702) 458-5790

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

Facsimile: (702) 458-5794

*Attorneys for William Harry Resh*

Email: [kfaux@fauxlaw.com](mailto:kfaux@fauxlaw.com)

jfaux@fauxlaw.com

*Attorneys for Western National Mutual  
Insurance Company*

## ORDER

Based upon the facts and claims in this lawsuit and the stipulation of WNMIC and Resh as set forth above, the Court expressly determines that there is no just reason for delay and directs entry by this Order that the Liability Judgment and Fee Judgment are final judgments pursuant to NRCP 54(b) as of the date of the entry of this Order.

IT IS SO ORDERED:

Dated this 14th day of April, 2021

Eric Johnson

AD9 294 8C2B 1CBC  
Eric Johnson  
District Court Judge

---

**From:** Frederic Berkley <[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)>  
**Sent:** Thursday, April 8, 2021 10:17 AM  
**To:** Jordan Faux  
**Cc:** Frederic Berkley  
**Subject:** Resh v. Money Machine

Dear Mr. Faux,

I have reviewed your proposed Stipulation and Order Certifying Judgments as Final Pursuant to NRCP 54(b). It is acceptable to me and you may affix my electronic signature. Please let me know when it has been delivered to Judge Johnson for his signature.

*Frederic I. Berkley, Esq.*  
*Sklar Williams PLLC*  
*410 South Rampart Boulevard*  
*Suite 350*  
*Las Vegas, NV 89145*  
*Phone: (702) 360-6000*  
*Fax: (702) 360-0000*  
[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of any of the information contained in or attached to this transmission is prohibited. If you have received this transmission in error, please immediately notify us by reply e-mail, by forwarding this to [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com), or by telephone at (702) 360-6000, and destroy the original transmission and its attachments without reading or saving them in any manner. Thank you.

\*\*\*\*\*

Any tax advice contained in this e-mail was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under the Internal Revenue Code of 1986, as amended.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 William Resh, Plaintiff(s)

CASE NO: A-18-775815-C

7 vs.

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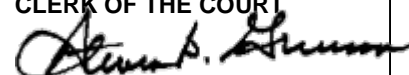
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25 Alyson Milner

amilner@fauxlaw.com



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*Attorneys for Western National Mutual  
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**DISTRICT COURT**  
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WILLIAM HARRY RESH, an individual,

Plaintiff,

v.

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Case No. A-18-775815-C  
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above-entitled matter, a copy of which is attached hereto.

DATED this 14<sup>th</sup> day of April, 2021.

THE FAUX LAW GROUP

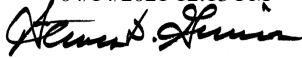
By: /s/ Kurt C. Faux

Kurt C. Faux, Esq.  
2625 N. Green Valley Pkwy., Suite 100  
Henderson, NV 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 14<sup>th</sup> day of April, 2021, I served a copy of the foregoing document, **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 the parties listed on the Odyssey E-FileNV Service Contact List.

/s/ Kelly McManamon  
An Employee of The Faux Law Group

  
CLERK OF THE COURT

1 **SAO**  
2 KURT C. FAUX, ESQ.  
3 Nevada Bar No. 03407  
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12 jfaux@fauxlaw.com  
13 *Attorneys for Western National Mutual*  
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28 ///

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2 voluntarily petitioned for Chapter 7 bankruptcy. *See*, U.S. Bankruptcy Court, District of Nevada  
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4 all debts against Robert Legaspi. The Chapter 7 case was thereafter closed.

5 WNMIC appealed the Liability Judgment to the Supreme Court on November 6, 2020  
6 (“Liability Appeal”). *See*, Supreme Court Case No. 82087; Dkt. No. 20-41702 (the appeal was  
7 docketed with the Supreme Court on November 16, 2020). WNMIC appealed the Fee Judgment on  
8 February 10, 2021 (“Fee Appeal”). *See*, Supreme Court No. 82475; Dkt. 21-04448 (the appeal was  
9 docketed with the Supreme Court on February 16, 2021).

10 On February 26, 2021, the Liability Appeal was dismissed by the Supreme Court for a  
11 jurisdictional defect stating that Resh’s claims against Compadres and Robert Legaspi remain pending  
12 in the District Court such that the District Court’s Liability Judgment was not final and therefore not  
13 appealable. *See*, Supreme Court Case No. 82087, Dkt. No. 21-05690. Remittitur was issued on March  
14 24, 2021. *Id.* Dkt. No. 21-08374. The Fee Appeal remains pending before the Nevada Supreme Court.

15 On March 26, 2021, WNMIC filed with this court a Motion Requesting NRCP 54(b)  
16 Certification of the Liability Judgment and the Fee Judgment, thereby assuring both to be appealable  
17 under NRAP 3A(b)(1). Pursuant to NRCP 54(b), the District Court is authorized to grant NRCP 54(b)  
18 certification on orders or judgments that dispose of either an entire claim or all claims against one  
19 party:

20 **(b) Judgment on Multiple Claims or Involving Multiple Parties.** When an action  
21 presents more than one claim for relief — whether as a claim, counterclaim, crossclaim,  
22 or third-party claim — or when multiple parties are involved, the court may direct entry  
23 of a final judgment as to one or more, but fewer than all, claims or parties only if the  
24 court expressly determines that there is no just reason for delay. Otherwise, any order  
25 or other decision, however designated, that adjudicates fewer than all the claims or the  
rights and liabilities of fewer than all the parties does not end the action as to any of the  
claims or parties and may be revised at any time before the entry of a judgment  
adjudicating all the claims and all the parties’ rights and liabilities.

26 The Court can certify as final the Liability Judgment and the Fee Judgment as each one  
27 disposes of all Plaintiff’s claims against WNMIC. Therefore, the parties stipulate as follows:  
28

**IT IS HEREBY STIPULATED AND AGREED** that the Court make an express determination that there is no just reason for delay in certifying as final the Liability Judgment and the Fee Judgment pursuant to NRCP 54(b).

**IT IS HEREBY FURTHER STIPULATED AND AGREED** that Bond No. 60049 posted by WNMIC on February 25, 2021, remain in effect as the Supersedeas Bond throughout the appeal process pursuant to NRCP 62.

DATED this       day of April, 2021.

DATED this       day of April, 2021.

THE FAUX LAW GROUP

SKLAR WILLIAMS PLLC

By: /s/ Jordan F. Faux

By: /s/ Frederic I. Berkley

KURT C. FAUX, ESQ.

FREDERIC I. BERKLEY, ESQ.

Nevada Bar No. 03407

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*Attorneys for William Harry Resh*

Email: [kfaux@fauxlaw.com](mailto:kfaux@fauxlaw.com)

jfaux@fauxlaw.com

*Attorneys for Western National Mutual  
Insurance Company*

## ORDER

Based upon the facts and claims in this lawsuit and the stipulation of WNMIC and Resh as set forth above, the Court expressly determines that there is no just reason for delay and directs entry by this Order that the Liability Judgment and Fee Judgment are final judgments pursuant to NRCP 54(b) as of the date of the entry of this Order.

IT IS SO ORDERED:

**Dated this 14th day of April, 2021**

Eric Johnson

AD9 294 8C2B 1CBC  
Eric Johnson  
District Court Judge

---

**From:** Frederic Berkley <[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)>  
**Sent:** Thursday, April 8, 2021 10:17 AM  
**To:** Jordan Faux  
**Cc:** Frederic Berkley  
**Subject:** Resh v. Money Machine

Dear Mr. Faux,

I have reviewed your proposed Stipulation and Order Certifying Judgments as Final Pursuant to NRCP 54(b). It is acceptable to me and you may affix my electronic signature. Please let me know when it has been delivered to Judge Johnson for his signature.

*Frederic I. Berkley, Esq.*  
*Sklar Williams PLLC*  
*410 South Rampart Boulevard*  
*Suite 350*  
*Las Vegas, NV 89145*  
*Phone: (702) 360-6000*  
*Fax: (702) 360-0000*  
[fberkley@sklar-law.com](mailto:fberkley@sklar-law.com)

This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of any of the information contained in or attached to this transmission is prohibited. If you have received this transmission in error, please immediately notify us by reply e-mail, by forwarding this to [fberkley@sklar-law.com](mailto:fberkley@sklar-law.com), or by telephone at (702) 360-6000, and destroy the original transmission and its attachments without reading or saving them in any manner. Thank you.

\*\*\*\*\*

Any tax advice contained in this e-mail was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under the Internal Revenue Code of 1986, as amended.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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 Stipulation and Order was served via the court's electronic eFile system  
14 to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 4/14/2021

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

20 Kathy Fenn

kfenn@fauxlaw.com

21 Copy Room

efile@alversontaylor.com

22 Kurt Bonds

kbonds@alversontaylor.com

23 Adam Knecht

aknecht@alversontaylor.com

24 Kurt Faux

kfaux@fauxlaw.com

25 Terri Scott

tscott@sklar-law.com

27 Alyson Milner

amilner@fauxlaw.com



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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**

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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

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

**July 02, 2019                      12:19 AM                      Minute Order**

**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)

**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**

**PRESENT:**      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.

October 23, 2019

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

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

- 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.

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**

<b>PRESENT:</b>	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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Intentional Misconduct

## COURT MINUTES

July 28, 2020

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

**July 28, 2020**                      **8:30 AM**                      **Status Check**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Samantha Albrecht  
Andrea Natali

**RECORDER:** Angie Calvillo

**REPORTER:**

## PARTIES

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

## JOURNAL ENTRIES

- 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.

PRINT DATE: 04/22/2021

Page 8 of 12

Minutes Date: September 20, 2018

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Intentional Misconduct

# COURT MINUTES

September 15, 2020

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

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.

November 04, 2020

JA 00625

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: April 22, 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: April 20, 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 District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order (*for Order filed 10/13/2020*)

---

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

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

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

---

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING SUMMARY JUDGMENT; ORDER; NOTICE OF ENTRY OF ORDER; STIPULATION AND ORDER CERTIFYING JUDGMENTS AS FINAL PURSUANT TO NRCP 54(B); 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 22 day of April 2021.

Steven D. Grierson, Clerk of the Court

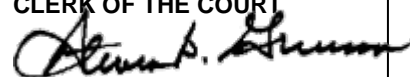


Amanda Hampton, Deputy Clerk

EXHIBIT 38

EXHIBIT 38





1 **NEOJ**  
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  
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10 Facsimile: (702) 458-5794  
11 Email: kfaux@fauxlaw.com  
12 jfaux@fauxlaw.com  
13 *Attorneys for Western National Mutual*  
14 *Insurance Company*

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

9 WILLIAM HARRY RESH, an individual,  
10  
11 Plaintiff,

11 v.

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

15 Defendants.

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

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER GRANTING SUMMARY  
JUDGMENT**

17 PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law and Order Granting  
18 Summary was filed by the Court on October 13, 2020, a copy of which is attached hereto.

19 DATED this 29th day of April, 2021.

20 THE FAUX LAW GROUP

21  
22 By: /s/ Jordan F. Faux

Kurt C. Faux, Esq.  
Jordan F. Faux, Esq.  
2625 N. Green Valley Pkwy., Suite 100  
Henderson, NV 89014  
*Attorneys for Western National Mutual  
Insurance Company*

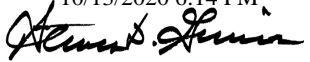
**CERTIFICATE OF SERVICE**

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 29th day of April, 2021, I served a copy of the foregoing document, **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING SUMMARY JUDGMENT**, 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

  
CLERK OF THE COURT

**FFCO**

KURT C. FAUX, ESQ.  
Nevada Bar No. 003407  
JORDAN F. FAUX, ESQ.  
Nevada Bar No. 12205  
THE FAUX LAW GROUP  
2625 N. Green Valley Parkway, #100  
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Telephone: (702) 458-5790  
Facsimile: (702) 458-5794  
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

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AND  
ORDER GRANTING  
SUMMARY JUDGMENT**

This matter having come before the Court on Plaintiff's Motion for Summary Judgment, and the Court having considered the aforementioned Plaintiff's Motion for Summary Judgment, the Opposition to Plaintiff's Motion for Summary Judgment and Plaintiff's Reply to Opposition to Plaintiff's Motion for Summary Judgment, and all of the pleadings on file herein, this Court enters the following Findings of Fact and Conclusion of Law:

**FINDINGS OF FACT**

1. Plaintiff William Harry Resh (hereinafter referred to as "Dr. Resh") is a Board-certified cardiologist with Nevada Heart and Vascular Center and is, and was during all times relevant herein, a resident of the state of Nevada.

2. Dr. Resh was the owner of a 2017 Audi R8 automobile (hereinafter referred to as his "vehicle"), VIN No. WUAKBAFX0H7903087.

3. In February and March 2018, Dr. Resh attempted to sell his vehicle through auction with the assistance of a family friend, Robert Larson.

4. In order to sell Dr. Resh's vehicle at auction, Robert Larson registered the vehicle under the auto dealership known as Money Machine, LLC, d/b/a Compadres Auto Sales (hereinafter referred to as "Compadres").

5. In order to sell the vehicle through the auction house known as Manheim, Robert Larson took the title to Dr Resh's vehicle and the keys to Manheim.

6. Dr. Resh's vehicle sold at auction by Manheim for the sum of \$145,000.

7. Manheim prepared a check for \$143,895 made payable to Compadres and the check was given to Robert Larson.

8. Robert Larson personally delivered that check in mid-March 2018 to Ryan Najarro, general manager for Compadres, who he had worked with before.

9. Compadres deposited the check for \$143,895 into its bank account.

10. Despite repeated demands, Compadres never paid Dr. Resh any of the sales proceeds for his vehicle.

11. Defendant Western National Mutual Insurance Company (hereinafter referred to as ("WNMIC")) furnished a Vehicle Industry License Bond for Compadres in the penal sum of \$100,000.

12. As a result of Defendants' actions herein, Dr. Resh was required to retain the services of Sklar Williams PLLC to prosecute this matter.

### CONCLUSIONS OF LAW

1. Dr. Resh falls within the definition of "consumer" as set forth at NRS 482.345.

2. Dr. Resh intended to be the final user of the vehicle at issue.

3. Compadres has wrongfully converted the sales proceeds of Dr. Resh's vehicle in the sum of \$143,895.

4. WNMIC is liable to Dr. Resh under the terms of the Vehicle Industry Business License Bond number 37029.

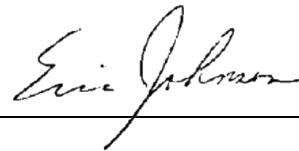
5. Any Conclusion of Law which should more properly be set forth as a Finding of Fact is hereby deemed a Finding of Fact, and vice versa.

**ORDER GRANTING SUMMARY JUDGMENT**

Based on the aforementioned Findings of Fact and Conclusions of Law, and this Court specifically finding that there are no remaining genuine issues of material fact, this Court hereby grants Plaintiff's Motion for Summary Judgement against Defendant Western National Mutual Insurance Company and finds that Dr. Resh shall have Judgment against this Defendant in the amount of \$100,000.

DATED this \_\_\_\_ day of September, 2020.

Dated this 13th day of October, 2020



**DISTRICT COURT JUDGE**

**16B 532 E326 9824**  
**Eric Johnson**  
**District Court Judge**

Submitted by:

THE FAUX LAW GROUP

\_\_\_\_\_  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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 Findings of Fact, Conclusions of Law and Order was served via the  
14 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
15 case as listed below:

Service Date: 10/13/2020

16 Jordan Faux

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17 Gene Crawford

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24 Foniah Abbott

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1           If indicated below, a copy of the above mentioned filings were also served by mail  
2 via United States Postal Service, postage prepaid, to the parties listed below at their last  
3 known addresses on 10/14/2020

4     Kurt Bonds                   Alverson Taylor & Sanders  
5                                   Attn: Kurt R. Bonds  
6                                   6605 Grand Montecito Pkwy., Suite 200  
7                                   Las Vegas, NV, 89149  
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