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2 Nevada Bar No. 009146

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9 Attorney for Appellants/ Cross-Respondents

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Apr 15 2021 02:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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IN THE SUPREME COURT OF THE STATE OF NEVADA

SOPHIE LAU, AN INDIVIDUAL; JEFFREY)

LAU, AN INDIVIDUAL; GOOD EARTH)

ENTERPRISES, INC. A CALIFORNIA)

CORPORATION; AND LIG LAND)

DEVELOPMENT, LLC, A CALIFORNIA)

LIMITED LIABILITY COMPANY)

Appellants/ Cross-Respondents,)

v.)

CITY OF LAS VEGAS, A POLITICIAN)

SUBDIVISION OF THE STATE OF)

NEVADA; CAROLYN GOODMAN, AS)

MAYOR OF THE CITY OF LAS VEGAS;)

CITY OF LAS VEGAS DEPARTMENT OF)

BUILDING & SAFETY, CODE)

ENFORCEMENT DIVISION, A)

DEPARTMENT OF THE CITY OF LAS)

VEGAS; VICKI OZUNA, CODE)

ENFORCEMENT MANAGER; EMILY)

WETZSTEIN, CODE ENFORCEMENT)

ASSISTANT; KEVIN MCOSKER;)

DIRECTOR, BUILDING AND SAFETY)

DEPARTMENT; JOHN BOYER, AS CITY OF)

LAS VEGAS COUNCIL DESIGNEE)

Respondents/ Cross-Appellants)

Supreme Court No.: 82720

District Court Case No.: A-19-806797-
W

**DOCKETING STATEMENT CIVIL
APPEALS**

1. Judicial District: Eighth Department: VIII
County: Clark Judge: Jessica Peterson

District Court Case No.: A-19-806797-W

2. Attorney filing this docketing statement:

Andrew H. Pastwick, Esq,
Law Office of Andrew H. Pastwick, LLC
1810 E. Sahara Avenue, Suite 120
Las Vegas, Nevada 89104
Telephone: (702) 866-9978
Facsimile: (702) 866-9978
Email: apastwick@pastwicklaw.com

Clients: Sophie Lau, Jeffrey Lau, Good Earth Enterprises, Inc. and Lig Land

Development, LLC

3. Attorney representing respondents:

John A. Curtas, Esq.
Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Telephone: (702) 229-6629
Facsimile: (702) 386-1749
Email: jacurtas@lasvegasnevada.gov

Clients: City of Las Vegas, Carolyn Goodman, City of Las Vegas Department of
Building & Safety, Code Enforcement Division, Vicki Ozuna, Emily Wetzstein, Kevin Mcosker
and John Boyer.

4. Nature of disposition below:

Review of agency determination.

5. The Appeal does not raise any issues concerning: child custody, venue or termination of parental rights.

6. Pending and prior proceedings in this court.

None.

1 **7. Pending and prior proceedings in other courts:**

2 None.

3 **8. Nature of the action:**

4 This action involves the fines and penalties imposed against Appellants SOPHIE LAU,
5 JEFFREY LAU, GOOD EARTH ENTERPRISES, INC, AND LIG LAND DEVELOPMENT,
6 LLC (hereinafter “Appellants) by Respondents CITY OF LAS VEGAS CAROLYN GOODMAN,
7 CITY OF LAS VEGAS DEPARTMENT OF BUILDING & SAFETY CODE ENFORCEMENT
8 DIVISION, VICKI OZUNA, EMILY WETZSTEIN, KEVIN MCOSKER and JOHN BOYER
9 (hereinafter “Respondents”) for several properties that Appellants own in downtown Las Vegas,
10 Nevada.

11
12 On September 25, 2019, an administrative hearing was conducted by the CITY OF LAS
13 VEGAS DEPARTMENT OF BUILDING & SAFETY CODE ENFORCEMENT to review
14 several fines and penalties that had been previously issued against Respondents in the following
15 cases: Case Number CE-195118 (the “El Cid Matter”) for allegations pertaining to 233 S. 6th
16 Street, Case Number CE-195119 (the “Annex Matter”) for allegations pertaining to 232 S. 7th
17 Street, Case Number CE-195540 (the “MI Matter”) for allegations pertaining to 615 E. Carson.
18 On November 11, 2019, the CITY OF LAS VEGAS issued an Abatement Hearing and Lien
19 Approval Decision approving One Hundred Eight Thousand Eight Hundred Seventy-Eight Dollars
20 (\$108,878.00) in fines and penalties against Appellants.
21

22 On or about December 11, 2019, Appellants filed a Petition for Review with the Eighth
23 Judicial District Court based in part on the arguments that Appellants’ due process rights were
24 violated when the Respondents did not provide evidence of compliance with the notice
25 requirements before or at the hearing and that the fines were excessive. On March 2, 2021, the
26
27
28

1 District Court issued a Decision and Order Granting Partial Relief. The District Court reduced the
2 fines and penalties against Appellants to \$61,628.70 finding that Appellants had substantially
3 complied with the conditions imposed on the City of Las Vegas's Revised Demolition Notice and
4 Order to Comply.

5 **9. Issues on appeal:**

6 1. Whether the Respondents acted arbitrary and capriciously and without substantial
7 evidence in finding against Appellants.

8 2. Whether Appellants had an opportunity to review and inspect all evidence prior to
9 the administrative hearing.

10 3. Whether Respondents during the administrative hearing denied Appellants due
11 process of law.

12 4. Whether the fines and penalties imposed by Respondents against Appellants were
13 reasonable and necessary

14 5. Whether the Respondents imposed fines against Appellants that were reasonable
15 and in accordance with applicable law.

16 6. Whether Respondents had provided proper notice to Appellants before imposing
17 fines and penalties.

18 7. Whether the District Court abused its discretion in determining that while the
19 Appellants had substantially applied with three of the four conditions imposed by Respondents
20 that Appellants should still be fined.

21 **10. Pending proceedings in this court raising the same or similar issues:**

22 None.

1 **11. Constitution Issues:**

2 None.

3 **12. Other issues:**

4 None.

5 **13. Assignment to the Court of Appeals or retention in the Supreme Court.**

6 Court of Appeals- NRAP 17(b)(9)

7 **14. Trial:**

8 None

9 **15. Judicial Disqualification:**

10 None

11 **16. Date of entry of written judgment or order appealed from March 2, 2021.**

12 **17. Date written notice of entry of judgment or order was served March 3, 2021.**

13 Service was by e-service.

14 **18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCp 50(b), 52(b), or 59).**

15 Not applicable

16 **19. Date Notice of appeal filed: March 29, 2021**

17 **20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other.**

18 NRAP 4(a)(1).

19 **21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

20 NRS 233B.150. Appellants are seeking review of a district court final order.

21 **22. List all parties involved in the action or consolidated actions in the district court:**

22 (a) Parties:

1 Sophie Lau, Jeffrey Lau, Good Earth Enterprises, Inc, Lig Land Development, LLC, City
2 of Las Vegas, Carolyn Goodman, City of Las Vegas Department of Building & Safety, Code
3 Enforcement Division, Vicki Ozuna, Emily Wetzstein, Kevin Mcosker and John Boyer.

4 (b) If all parties in the district court are not parties to this appeal, explain in detail why
5 those parties are not involved in this appeal, e.g. formally dismissed, not served, or other:

6 None.

7
8 **23. Give a brief description (3 to 5 words) of each party's separate claims,**
9 **counterclaims, cross-claims, or third-party claims and the date of formal disposition**
10 **of each claim.**

11 Appellants Sophie Lau, Jeffrey Lau, Good Earth Enterprises, Inc and Lig Land
12 Development, LLC:

13 i. Petition for Judicial Review- March 2, 2021

14 ii. Petition for Writ of Mandamus- March 2, 2021

15 iii. Petition for Writ of Certiorari- March 2, 2021

16 **24. Did the judgment or order appealed from adjudicate ALL the claims alleged below**
17 **and the rights and liabilities of ALL the parties to the action or consolidated actions**
18 **below?**

19 Yes.

20 **25. If you answered "No" to question 24, complete the following:**

21 Not Applicable.

22 **26. If you answered "No" to any part of question 25, explain the basis for seeking**
23 **appellate review (e.g. order is independently appealable under NRAP 2A(b)):**

24 Not applicable.

25 **27. Attach file-stamped copies of the following documents:**

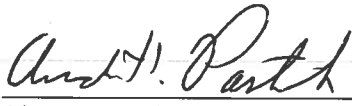
26 1. Petition for Judicial Review and/or Writs of Certiorari, Mandamus and Equitable

27 Relief- Exhibit "1"

- 1 2. Order Denying Petitioners' Motion to Strike Evidence not Produced before or at
2 Hearing, Exhibit "2".
3 3. Decision and Order Granting Partial Relief, Exhibit "3".
4 4. Notice of Entry of Order Denying Petitioners' Motion to Strike Evidence Not
5 Produced Before or at Hearing, Exhibit "4".
6 5. Notice of Entry of Decision and Order Granting Partial Relief, Exhibit "5".
7

8 **VERIFICATION**

9 I declare under penalty of perjury that I have read this docketing statement, that the information
10 provided in this docketing statement is true and complete to the best of my knowledge,
11 information and belief, and that I have attached all required documents to this docketing
12 statement.

<u>Sophie Lau, Jeffrey Lau, Good Earth</u> <u>Enterprises, Inc, Lig Land Development, LLC</u> Name of Appellants	<u>Andrew H. Pastwick</u> Name of counsel of record
<u>April 15, 2021</u> Date	 Signature of counsel of record
<u>Nevada, Clark County</u> State and country where signed	

CERTIFICATE OF SERVICE

I certify that on the 15th day of April, 2021, I served a copy of this completed docketing statement upon all counsel of record:

■ **NEFCR System upon the following Parties in accordance with NEFCR 9 and 13:**

Bryan K. Scott
John A. Curtas
Deputy City Attorney
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101

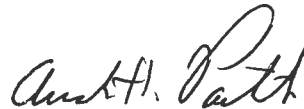
John R. Holiday, Esq.
Capital Legal Group
9480 S. Eastern Avenue, Suite 257
Las Vegas, Nevada 89123

□ **First-Class United States mail, postage fully prepaid upon the following Parties who are not registered users in accordance with NEFCR 9(d) a sealed envelope, postage prepaid to the following counsel and/or parties to this matter:**

□ **Personal Service upon the following users or their Counsel:**

□ **By direct email upon the following Parties, for whom I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.**


□ **By fax or other electronic transmission in accordance with NRCP 5(d), for which proof of successful transmission is attached hereto:**



An Employee of Law Office of Andrew H. Pastwick L.L.C.

Exhibit

"1"



FLANGAS & BARNABI, LLC
LEO P FLANGAS, ESQ.
Nevada Bar No. 5637
BENJAMIN LA LUZERNE
Nevada Bar No.: 12801
375 E. Warm Springs Rd. #104
Las Vegas, Nevada 89109
Telephone: (702) 475-8903
Facsimile: (702) 966-3718
Email: leo@flangasbarnabi.com
Email: ben@flangasbarnabi.com
Attorney for Petitioners

CASE NO: A-19-806797-W
Department 24

DISTRICT COURT
CLARK COUNTY, NEVADA

SOPHIE LAU, an individual; JEFFREY LAU,
an individual; GOOD EARTH
ENTERPRISES, INC., a California
Corporation; and LIG LAND
DEVELOPMENT, LLC, a California Limited
Liability Company

Petitioners,

vs.

CITY OF LAS VEGAS, a political subdivision
of the State of Nevada; CAROLYN
GOODMAN, as Mayor of the City of Las
Vegas; CITY OF LAS VEGAS
DEPARTMENT OF BUILDING & SAFETY,
CODE ENFORCEMENT DIVISION, a
department of the city of Las Vegas; VICKI
OZUNA, Code Enforcement Manager; EMILY
WETZSTEIN, Code Enforcement Assistant;
KEVIN MCOSKER, director, Building and
Safety department; JOHN BOYER, as City
Council Designee; DOES 1 through X,

Respondents.

Case No.:

Dept. No.:

**PETITION FOR JUDICIAL REVIEW
AND/OR WRITS OF CERTIORARI,
MANDAMUS, AND EQUITABLE
RELIEF**

Exempt from Arbitration NAR 3(A), 5

- **Action Seeking Judicial Review of Administrative Decisions**
- **Action for Declaratory Relief**
- **Action Presenting a Significant Issue of Public Policy**
- **Action Seeking Equitable or Extraordinary Relief**

COMES NOW, Petitioners SOPHIE LAU, JEFFREY LAU, GOOD EARTH ENTERPRISES,
INC. ("Good Earth"), and LIG LAND DEVELOPMENT, LLC ("LIG") (collectively, "Petitioners"),
by and through their counsel of record, Benjamin La Luzerne, Esq. of Flangas Barnabi and hereby
petitions this Court for judicial review of the Decision and Order of the City Council Designee/

1 Hearing Officer, John Boyer (the "Designee" or "Mr. Boyer"), dated November, 11, 2019, a copy of
2 which is attached hereto as Exhibit 1, as follows:

3 **I. PARTIES AND JURISDICTION**

4 1. Petitioners, Sophie and Jeffrey Lau, are individuals residing in the state of California
5 that own that certain real property commonly known as 203 S. 6th Street, Las Vegas, NV 89101, 617
6 & 631 E. Carson Avenue, Las Vegas, NV 89101 and 206 & 210 & 216 & 222 S. 7th Street, Las Vegas,
7 NV 89101,
8

9 2. Petitioner Good Earth Enterprises, Inc., is a California corporation that owns that
10 certain real property commonly known as 215 & 233 S. 6th Street, Las Vegas, NV 89101, 220 & 232
11 S. 7th Street, Las Vegas, NV 89101

12 3. Petitioner LIG Land Development, LLC, is a California Limited Liability Company
13 that owns that certain real property commonly known as 615 E. Carson Avenue, Las Vegas, NV 89101,
14

15 4. The City of Las Vegas is a political subdivision of the State of Nevada.

16 5. Carolyn Goodman, as Mayor of the City of Las Vegas, is an individual residing in Clark
17 County, Nevada.

18 6. The City of Las Vegas Department of Building and Safety – Code Enforcement
19 Division is a Department of the City of Las Vegas, Nevada.

20 7. Kevin McOsker, as director of the City of Las Vegas, Building and Safety Department,
21 is an individual residing in Clark County, Nevada.

22 8. Vicki Ozuna, as Manager of the Code Enforcement Division, is an individual residing
23 in Clark County, Nevada.

24 9. Emily Wetzstein, as Assistant to the Manager of the Code Enforcement Division, is an
25 individual residing in Clark County, Nevada.

26 10. John Boyer, as City Council Designee, is an individual residing in Clark County,
27 Nevada.
28

11. The true names and capacities, whether individual, corporate, associate or otherwise, of Respondents herein designated as DOES I through X, inclusive are unknown to the Petitioners at this time, who therefore sues said Respondents by such fictitious names. Petitioners are informed and believe and therefore allege that each of said Respondents is responsible in some manner for the events and happenings and proximately caused the injuries and damages herein alleged. Petitioners will seek leave to amend this Complaint to allege their true names and capacities as they are ascertained.

12. The court has jurisdiction under Article 6, Section 4 of the Nevada Constitution, Las Vegas Municipal Code Section 9.04.100(C)¹, NRS 268.4122 and NRS 34.160 and EJDCR 2.15.

13. Venue is proper because the acts and actions set forth herein occurred in Clark County Nevada.

II. FACTS

14. Petitioners are the owners of those certain pieces of real property located between 6th and 7th Streets and Carson Street and Bridger Street in Las Vegas, Nevada.

15. Petitioners have owned these parcels for decades.

16. The City initiated Code Enforcement proceedings against Petitioners regarding these properties, beginning in December 2018.

17. Case Number CE-195118 (the “El Cid Matter”) contained allegations pertaining to 233 S. 6th Street (“El Cid”); Case Number CE-195119 (the “Annex Matter”) contained allegations pertaining to 232 S. 7th Street (the El Cid “Annex”); and Case Number CE-195540 (the “MI Matter”) contained allegations pertaining to 615 E. Carson (“MI”).

¹ The Section states:

Pursuant to NRS 268.4122, the City Council or designee may order that civil penalties assessed under this Chapter be made part of an assessment lien authorized by this Section, but any action to do shall be subject to the limitations contained in NRS 268.4122. In the case of action taken by a designee, an appeal of that decision may be taken to a court of competent jurisdiction.

1 18. In the El Cid Matter, the case report indicates that the property was inspected on
2 December 6, 2018, requests for quotes went out to contractors on December 10, 2018, and quotes were
3 received by the city on December 17, 2018.

4 19. On December 17, 2018, there was a fire at El Cid that the City attempts to use to justify
5 its decision that emergency abatement was necessary.

6 20. Abatement for El Cid was completed by contractor CGI on December 20, 2018.

7 21. At no time did the City provide notice to Petitioners regarding inspection or abatement
8 as required under LVMC 9.04.050(B).
9

10 22. Ms. Lau, on behalf of Petitioners previously hired attorney Andrew Pastwick in April
11 2019 to communicate with the City and attempt to resolve the issues regarding the Petitioners.

12 23. On or about August 30, 2019, Ms. Lau, on behalf of Petitioners engaged Flangas Law
13 Firm, LTD, to represent Petitioners in the Administrative Hearing.

14 24. From December 2018 until the time Ms. Lau hired Flangas Law Firm, the City had not
15 provided backup to support their invoices related to abatement of Petitioners' properties to Ms. Lau,
16 Mr. Pastwick, or any of the Petitioners, despite their requests. See email from S. Lau to V. Ozuna
17 dated January 22, 2019 attached hereto as Exhibit 2
18

19 25. On or about September 17, 2019, Mr. Flangas and Mr. La Luzerne requested all of the
20 evidence that the City planned to rely upon at the September 25, 2019 hearing. They also requested
21 that the hearing be continued during the call with Ms. Ozuna, which Ms. Ozuna declined.
22

23 26. Ms. Ozuna indicated that she would provide the evidence, but indicated that because
24 the hearing had been outstanding since February 2019, she was not inclined to continue it again.

25 27. The request for documents was formalized in a letter to Ms. Ozuna following the
26 September 17, 2019 call. See letter from B. La Luzerne to V. Ozuna dated September 17, 2019 attached
27 hereto as Exhibit 3.
28

1 28. In response, on September 18, 2019, Ms. Wetzstein provided documents via email that
2 purportedly reflected the entire realm of documents regarding the Petitioners.

3 29. Prior to the Hearing (as defined herein) the Petitioners had demolished not only El Cid,
4 the Annex, and MI, but every other building they owned on the block, at their sole expense.

5 30. Prior to the Hearing, in accordance with the procedure set forth in the Hearing notice,
6 Petitioners submitted their objections to the City's allegations in regard to Case #CE-195118, Case
7 #CE-195119, and Case #CE-195540.

8 31. The Petitioners objections are based on lack of notice, excessive fees and fines, and
9 improper procedure for imposing such fees and fines, among other things.

10 32. On September 25, 2019, an administrative hearing was held on the 6th Floor of 333 N.
11 Rancho Dr., Las Vegas NV, 89106, regarding the fines and assessments the City sought to impose on
12 Petitioners (the "Hearing").

13 33. Petitioners were present and represented by Leo Flangas and Benjamin La Luzerne of
14 Flangas Law Firm, LTD.

15 34. Robert Mann appeared as a witness for Petitioners.

16 35. The City of Las Vegas Department of Building and Safety, Code Enforcement Division
17 was present and Represented by Vicki Ozuna, Code Enforcement Manager, and Emily Wetzstein,
18 Assistant to Ms. Ozuna.

19 36. Mr. John Boyer attended and presided over the hearing as the City Council's Designee.

20 37. On October 14, 2019, Petitioners received an email from Ms. Ozuna that Mr. Boyer
21 had sent to an invalid email address. In that email, Mr. Boyer asked Petitioners to provide their position
22 to his assertion that Petitioners lacked standing to defend themselves at the Hearing (the "Email").

23 38. On October 15, 2019, after receiving and analyzing the Email, Petitioners responded
24 that such a position by the City would lead to an absurd result. See email from B. La Luzerne to J.
25 Boyer dated October 15, 2019 attached hereto as Exhibit 4.

1 39. Nonetheless, in his final decision dated November 18, 2019 (the “Decision”), Mr.
2 Boyer relies on the clearly erroneous assertion that Petitioners lack standing.

3 40. Furthermore, Mr. Boyer states in the Decision that “Copies of the Notices and Orders
4 are included in the Binder A *as supplemented by the City after the hearing.*” (Emphasis added.)

5 41. The Decision further relies on evidence not in the record or provided to Petitioners
6 before the Hearing.

7
8 **FIRST CAUSE OF ACTION**
9 **(Petition for Judicial Review)**

10 42. Petitioners repeat and reallege all prior paragraphs as fully set forth herein.

11 43. Petitioners are aggrieved by the Decision to impose fines and penalties upon the
12 Petitioners without substantial evidence in an arbitrary and capricious manner.

13 44. Accordingly, Petitioners petition this Court for Judicial review of the record on which
14 the Department’s Decision was based, including but not limited to:

15 a. The Decision was in violation of constitutional, statutory, and municipal code
16 provisions.

17 b. The Decision was in excess of the statutory and code authority of the Respondents.

18 c. The Decision was made upon unlawful procedure.

19 d. The Decision was affected by errors of law.

20 e. The Decision was clearly erroneous in view of the reliable, probative and substantial
21 evidence on the whole record.

22 f. The Decision was arbitrary, capricious, or characterized by a abuse of discretion.

23 g. The Decision is void *ab initio* for non-compliance with the notice requirements in the
24 municipal code and other state laws.

25 h. The Decision should be reversed, set aside, or remanded for all of the above reasons
26 and any others that this Court may deem appropriate.
27
28

1 45. As the action of the Department necessitated that Petitioners hire counsel and incur fees
2 and costs to bring this action, Petitioners are also entitled to attorneys' fees and costs of suit.

3 **SECOND CAUSE OF ACTION**
4 **(Petition for Writ of Mandamus)**

5 46. Petitioners repeat and reallege all prior paragraphs as fully set forth herein.

6 47. A Writ of Mandamus will lie to compel the performance of an act which the requires
7 as a duty resulting from an office, trust, or station, or to control arbitrary and capricious exercise of
8 discretion.

9 48. A Writ is appropriate as the Petitioners have no plain, speedy, and adequate remedy at
10 law, other than to petition this Court.

11 49. When a governmental body fails to perform an act that "that the law requires" or acts
12 in an arbitrary or capricious manner, a writ of mandamus shall issue to correct the action. Nev. Rev.
13 Stat. § 34.160.

14 50. The Respondents failed to perform various acts that the law requires including
15 arbitrarily and capriciously imposing fines and penalties upon Petitioners.

16 51. Respondents acted arbitrarily and capriciously in the imposition of fines and penalties
17 upon Petitioners because, *inter alia*:
18

19 a. The Respondents failed to follow the required notice procedure for taking action to
20 abate nuisances on private property.

21 b. The Respondents Decision was based on inadmissible and unreliable evidence.

22 c. The evidence that Respondents base their decision upon was not provided to Petitioners
23 before the Hearing in violation of Petitioners' due process rights.

24 d. The Respondents imposed fines and penalties upon Petitioners based on the influence
25 of other parties with ulterior and improper motives.

26 e. The Respondents acted in violation of constitutional or statutory provisions.
27
28

1 f. The Respondents acted in excess of the statutory authority of the Department.

2 g. The Respondents completely disregarded evidence which a "reasonable mind" would
3 "accept as adequate to support" a contrary finding.

4 52. Respondents' violations of their duties were arbitrary and capricious actions that
5 compel this Court to issue a Writ of Mandamus directing the Respondents to vacate the Decision.

6 53. As a result of Respondents' unlawful, arbitrary, and capricious actions, Petitioners have
7 been forced to retain legal counsel to prosecute this action and is therefore also entitled to its damages,
8 costs in this action, and an award of attorneys' fees pursuant to NRS 34.270.
9

10 **THIRD CAUSE OF ACTION**
11 **(Petition for Writ of Certiorari)**

12 54. Petitioners repeat and reallege all prior paragraphs as fully set forth herein.

13 55. A Writ of Certiorari will lie when an inferior tribunal has exceeded its jurisdiction and
14 no means of appeal exists.

15 56. A Writ of Certiorari is appropriate as the Petitioners have no plain, speedy, and
16 adequate remedy at law, other than to petition this Court.

17 57. The Respondents, including the Designee, exceeded their jurisdiction and by their
18 actions left the Petitioners without the ability to appeal and with no plain, speedy, and adequate remedy
19 at law.
20

21 58. Respondents acted arbitrarily and capriciously in the imposition of fines and penalties
22 upon Petitioners because, *inter alia*:

23 a. The Respondents failed to follow the required notice procedure for taking action to
24 abate nuisances on private property.

25 b. The Respondents Decision was based on inadmissible and unreliable evidence.

26 c. The evidence that Respondents base their decision upon was not provided to Petitioners
27 before the Hearing in violation of Petitioners' due process rights.
28

1 d. The Respondents imposed fines and penalties upon Petitioners based on the influence
2 of other parties with ulterior and improper motives.

3 e. The Respondents acted in violation of constitutional or statutory provisions.

4 f. The Respondents acted in excess of the statutory authority of the Department.

5 g. The Respondents completely disregarded evidence which a "reasonable mind" would
6 "accept as adequate to support" a contrary finding.

7
8 59. Respondents' violations of their duties were arbitrary and capricious actions that
9 compel this Court to issue a Writ of Certiorari directing the Respondents to vacate the Decision.

10 60. As a result of Respondents' unlawful, arbitrary, and capricious actions, Petitioners have
11 been forced to retain legal counsel to prosecute this action and is therefore also entitled to its damages,
12 costs in this action, and an award of attorneys' fees pursuant to NRS 34.270.

13 ///

14 ///

15 ///

PRAYER FOR RELIEF

WHEREFORE, the Petitioners pray for the following relief:

1. For the issuance of a Writ of Mandamus directing the Respondents to vacate the Decision;
2. For the issuance of a Writ of Certiorari directing the Respondents to vacate the Decision;
3. For judicial review of the record and history on which the fines and penalties were based;
4. For attorneys' fees and costs of suit; and
5. For all other remedies and relief that this Court deems appropriate.

Dated this 11th day of December, 2019.

FLANGAS & BARNABI, LLC

/s/ Benjamin La Luzerne, Esq.
BENJAMIN LA LUZERNE
NV Bar #12801
Nevada Bar No.: 12801
375 E. Warm Springs Rd. #104
Las Vegas, Nevada 89109
Attorney for Petitioners

EXHIBIT 1

Hearing decision EI Cid/MI

Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>

Mon 11/18/2019 7:33 AM

To: Ben La Luzerne <ben@flangaslawfirm.com>

 1 attachments (1 MB)

195118 195119 195540 Abatement Hearing and Lien Approval Decision.pdf;

Attached is Mr Boyer's signed hearing decision for the EI Cid and MI properties.

Emily Wetzstein

Administrative Support Assistant

Department of Planning | Code Enforcement Division

(702) 229-6615 phone | (702)382-4341 fax

333 N Rancho Dr. Las Vegas, NV 89106



lasvegasnevada.gov

[Code Enforcement](#)



Your opinion is important! Click [here](#) to take a short survey.

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City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195118 SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: GOOD EARTH ENTERPRISES INC

ADDRESS: 233 S 6TH ST

APN #: 139-34-611-037

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 22,624.70
- ☒ Approved lien for proposed daily civil penalties in the amount of \$ 32,000
- ☐ Approved lien for reduced daily civil penalties in the amount of \$

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.

Shawn B.
City Council Designee

11-11-19
Date

Comments:



City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195119 SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: GOOD EARTH ENTERPRISES INC

ADDRESS: 232 S 7TH ST

APN #: 139-34-611-036

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 924.00
- ☒ Approved lien for proposed daily civil penalties in the amount of \$ 30,000
- ☐ Approved lien for reduced daily civil penalties in the amount of \$

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.

[Signature]
City Council Designee

11-11-19
Date

Comments:

see attached decision



City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195540

SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: LIG LAND DEVELOPMENTS LLC

ADDRESS: 615 E CARSON

APN #: 139-34-611-041

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 23,330.00
- ☐ Approved lien for proposed daily civil penalties in the amount of \$ 150.00
- ☒ Approved lien for reduced daily civil penalties in the amount of \$ 150.00

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.

10/11/19
City Council Designee

11-11-19
Date

Comments:

see attached decision

AMENDED DECISION CASES 195540, 195118, 19519 ABATEMENT HEARING AND
LIEN APPROVAL DECISION

This Decision applies to the above-cited consolidated cases heard on September 25, 2019. The operative facts are common to all three cases and the law applicable is the same. The real properties involved are 233 S. Sixth Street and 232 S. Seventh Street owned by Good Earth Enterprises, Inc. and 615 East Carson Street (the Annex to El Cid) owned by LIG Land Development, LLC.

Present at the hearing for the City of Las Vegas were Vicki Ozuna, Code Enforcement Manager and Emily Wetstein, Assistant to Ms. Ozuna. Present for the putative property owners were Sophie Lau, and Robert Mann employee and representative for the owners. Counsel for the owners present were Leo Flangas, Esq. and Benjamin Luzerne, Esq.

The hearing was recorded. Documents were submitted in evidence by both sides and are incorporated herein by reference in a binder marked Binder A.

In order for any person or entity to appear and contest an abatement and lien at the City of Las Vegas they must have standing and ownership of the property subject to abatement proceedings. In these hearings I have found that Good Earth Enterprises, Inc. had it's foreign corporation status permanently revoked in 1984. I have found LIG Land Developments LLC has never had a registration in the State of Nevada. There is currently no evidence either of these entities exist anywhere. I also find both of these entities if they exist at all have conducted business in the State of Nevada which is beyond the mere ownership of property. They have at a minimum employed Mr. Mann to oversee the properties in which he was a resident and maintained it as an office for the entities and retained Nevada contractors to perform work on both properties. The entities, if they exist at all, have by admission spent thousands of dollars doing business of maintaining and operating the properties in this state.

Until such time as both entities prove their existence, and comply with the registration requirements, they and their putative representative, Sophie Lau will not be allowed to appear in these proceedings as a representative.

Notwithstanding the above-cited determination, I find the opposition presented against the imposition of full amount sought by the City against all three properties to be insufficient.

The properties were formerly used as a hotel called the El Cid Hotel until 2006 after which time the use was discontinued. The parties do not dispute since closing 233 South Sixth and was subject to seven cases of nuisance with the City for being open and accessible and 232 S. Seventh Street was subject to 13 cases for open and accessible. They became magnets for the homeless to break and enter causing

damages to the properties subjecting them to crime and fire issues. They collectively became a blight and danger to the community requiring intervention by police and fire departments. The Case Notes of the City amply document the problems with each of the properties showing all of the actionable nuisance issues and the owner's lack of adequate responses. Ultimately, as reflected in the records, there was a serious fire at the El Cid December 17, 2018. This precipitated emergency action by the City to declare all three properties as an imminent hazard. This relieved the City of requiring formal notice and order prior to abatement under LVMC 9.04.080 (D). The records and testimony confirm all of the properties were an imminent hazard which was confirmed by the City Manager and the Fire Department. This was later affirmed by the City Council March 20, 2019. At that point the penalties ceased accruing.

After the emergency board up in December 2018 Notice and Order were posted and sent for 233 S. Sixth Street on starting with posting on January 10, 2019. This posting was received and seen by the owner's representative on that date and Ms. Lau knew of the notice and order by January 10, 2019. Notice and Order for 232 S. Seventh was posted at the same time and also mailed to the owner. The Notice and Order for 615 E. Carson was not issued until March 21, 2019. As a result of the delivery of this notice after the declaration of imminent hazard March 20, 2019 the penalty of \$150 will not be allowed but all of the costs will be allowed. Ms. Lau acknowledged she actually received the notice through Mr. Mann. These Notices and Orders are the predicate for the penalties imposed on these properties as set forth in the City request for imposition of costs and penalties in the evidence. Copies of the Notices and Orders are included in the Binder A as supplemented by the City after the hearing. The owner was offered a continuance to review this record but was declined.

After the Notices and Orders were posted the City incurred costs for abatement which were \$23,330 for 615 E. Carson; \$22,624.70 for 233 S. Sixth Street; and \$924.00 for 232S. Seventh Street.

On February 20, 2019 City Counsel declared an imminent hazard for 233 S. Sixth and 232 S. Seventh Streets. This is the date when the daily civil penalties ceased accruing.

I find that the costs incurred by the City of Las Vegas were all reasonable under the circumstances and proper procedures were followed and notices were sent as required.. The owners have argued the costs for plywood for the board up of the El Cid Hotel. This was an emergency board up. I do not find them unreasonable under the circumstances where the board up was to prevent homeless from entering the property again and cause further fires pending declaration of imminent hazard. The emergency board up was after there were several fires at the El Cid Hotel during which time the owners were ineffective of preventing homeless person intrusions at the coldest time of year.

The City will be granted the relief it requested in full except for the penalty on 615 E. Carson.



JOHN W. BOYER, City Council designee

EXHIBIT 2

From: Laus Investment Group <lausinvestment@yahoo.com>
Sent: Tuesday, January 22, 2019 11:20 PM
To: Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>; Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Cc: Tom Perrigo <tperrigo@LasVegasNevada.GOV>; Kennan Lau <kennan.lau@gmail.com>; lausinvestmet@yahoo.com
Subject: Re: Notice of Code Enforcement hearing - invoice # 195118HN-90209

Hi Emily & Vicki,

We have three general contractors in my family, my late father & my two brothers, I am very familiar & fully awarded the operation & the standard contractor's practice, normally markup & profit are within 15 to 20% is considered reasonable & fair. Apparently some will get away in billing sky high price for City job and that's the reason why I have originally asked to communicate & asked to bill us direct from the contractor, I would've gotten much lower price and I am not understanding why this request was denied.

After reviewing the attached invoice, we are totally shocked & disagreed. It was overly exaggerated & totally incorrect from the fact, please see our disputing items and the areas of description of the board-up job as follow; (will provide pictures upon request)

1. Front Building - 1st floor, used **16 pcs** boarded the entire front incl. 2 windows (all size 58 x 68)
2. Building facing Bridger St. - 1st floor, boarded 6 windows & 6 windows on 2nd floor total **24 pcs**.
3. Back of the building (alleyway) - 1st floor, used **10 pcs** for the back area & entrance way. 2nd floor used total **6 pcs**. for the two bigger windows.
4. Building facing parking lot - 1st floor, boarded 6 windows & 6 windows on 2nd floor total **24 pcs**.
5. We calculated & including all windows (size 58 x 68 - 2 pcs each), with two bigger windows 2nd floor facing the alley (6 pcs) and covered front building & back area with generous allowance, the maximum plywood used would be **80 pcs**. We are unable to account for the additional 58 pcs at the job site, which the statement was mistakenly **billed** 138 sheets for this building.
6. Every day price from Home Depot or Lowes for 3/4" plywood are between \$33 to \$35 per piece, for contractor's discount, they would have paid less, it is outrageous & unconscionable to charge customer \$105 per piece which exceed 300%. Fair charges for each plywood would be \$40 (\$34 x 80 = **\$3,200**)
7. It's impossible have used the amount of screws & bolts costed \$400 for the Job described above. **\$150** is a very generous amount.
8. The maximum height to the 2nd floor is about 22' to 25' feet, they could easily work on the 30' boom lift instead a 60' boom lift. We checked with Ahern Rentals, the two days rental fee/delivered/pick up/fuel would be approximately \$925 for 30' lift & about \$1,300 for 60', as mentioned the 30' would work perfectly. No justification on the \$2,000 charge.
9. The contractor you hired bet my guy (who was instructed by us to do the job) by 30 min. started the work in the morning of 12/18, was not working in the evening or middle of the night, no grounds for emergency charge.

10. Workers all left after finished the job (16 hours), so the extra 8 hours supervision was incorrect (**\$448 + \$640**).

We respectfully disagree with the charges & wish to dispute at the hearing date, if unable resolve early. However, base on our fair evaluation, we like to propose a reasonable offer of **\$6,436** which includes 20% for both markup & profit ($\$3,200 + \$150 + \$925 + \$448 + \$640 = \$5,363 + \$1,073 - 20\%$ profit) to the contractor and since we never got a break down on the admin. fee, we are offering **\$1,402.35** (50%) for the total of **\$7,838.35**. Please advise at your earliest & thanks for your assistance in this matter.

Best regards,

Sophie Lau

EXHIBIT 3



FLANGAS LAW FIRM, LTD.
LEO P. FLANGAS, ESQ.

September 17, 2019

VIA EMAIL: vozuna@LasVegasNevada.GOV

City of Las Vegas
Department of Planning
Code Enforcement Division
Attn: Vicki Ozuna, Code Enforcement Section Manager
333 N. Rancho Dr.
Las Vegas, NV 89106

**Re: September 25, 2019 Hearing – Good Earth Enterprises, LIG Land
Development, Sophie and Jeffrey Lau
Case Nos. CE-195540; CE-195118; CE-195119**

Dear Ms. Ozuna,

As we discussed, this firm will be representing Mr. and Mrs. Lau and their respective businesses for the purposes of this administrative hearing regarding code violations at the real properties located between S. 6th St. and S. 7th St. and E. Carson Ave. and E. Bridger Ave (the "Properties").

At this time, we have received the file from the client's former attorney, but it appears that we have not received the records that he requested from your office. Therefore, as we discussed, please send over the following documents:

1. Receipts from CGI to justify the cost of installing plywood at 233 S. 6th Street ("El Cid"). We have the invoice, but not the backup.
2. Any documentation evidencing the determination that the El Cid abatement was an "emergency."
3. Any and all outstanding invoices related to the Properties owned by the Laus and/or their companies.
4. Any and all outstanding liens related to the Properties owned by the Laus and/or their companies.
5. The entire file you have regarding this case.

Sincerely,

Ben La Luzerne, Esq.

EXHIBIT 4

Re: City of Las Vegas Code Enforcement Cases 195119, 195118 and 195540

Ben La Luzerne

Tue 10/15/2019 2:54 PM

To: Leo P.. Flangas <leo@flangaslawfirm.com>

Mr. Boyer,

Ms. Ozuna forwarded me the email that was sent to an invalid email address on September 26. We disagree with your assertion that a business entity must be registered in a state to appear to defend itself in a proceeding. Specifically NRS 80.015(1)(a) and (i) state , respectively, that defending or settling any proceeding; and owning real or personal property does not constitute doing business in this State.

Also, such a requirement would lead to the nonsensical position that a city government can "take" property without due process, as long as it is owned by a foreign business entity.

We await your holding on the matters noted above.

Thank you.

Ben

From: john boyer <boyeresq@yahoo.com>

Sent: Thursday, September 26, 2019 9:14 AM

To: ben.laluzerne@laluzernelaw.com; natasha@flangaslawfirm.com; Vicki Ozuna <vozuna@LasVegasNevada.GOV>

Subject: City of Las Vegas Code Enforcement Cases 195119, 195118 and 195540

EXTERNAL EMAIL: This email originated from outside the organization, do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. La Luzerne and Flangas:

My research indicates that Good Earth Enterprises, Inc. had its' charter revoked in Nevada in 1984 and that LIG Land Developments, LLC has never been registered in the State of Nevada at the Secretary of State. Under Nevada law they cannot do business in the State of Nevada.

This would include appearing to contest the City of Las Vegas proceedings. Please let me know by the end of Friday if there is an error and the entities are compliant. John Boyer, City of Las Vegas Council Designee.

Exhibit

“2”

Heather S. Linn
CLERK OF THE COURT

1 ODM
2 BRYAN K. SCOTT
3 City Attorney
4 Nevada Bar No. 4381
5 By: JOHN A. CURTAS
6 Deputy City Attorney
7 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jacurtas@lasvegasnevada.gov
Attorneys for CITY RESPONDENTS

DISTRICT COURT

CLARK COUNTY, NEVADA

10 SOPHIE LAU, an individual; JEFFREY
11 LAU, an individual; GOOD EARTH
12 ENTERPRISES, INC., a California
13 Corporation; and LIG LAND
14 DEVELOPMENT, LLC, a California
15 Limited Liability Company,

Petitioners,

vs.

16 CITY OF LAS VEGAS, a political
17 subdivision of the State of Nevada;
18 CAROLYN GOODMAN, as Mayor of the
19 City of Las Vegas; CITY OF LAS VEGAS
20 DEPARTMENT OF BUILDING &
21 SAFETY, CODE ENFORCEMENT
22 DIVISION, a department of the city of Las
23 Vegas; VICKI OZUNA, Code Enforcement
24 Manager; EMILY WETZSTEIN, Code
25 Enforcement Assistant; KEVIN MCOSKER,
26 director, Building and Safety department;
27 JOHN BOYER, as City Council Designee;
28 DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. XXIV

**ORDER DENYING PETITIONERS' MOTION TO STRIKE
EVIDENCE NOT PRODUCED BEFORE OR AT HEARING**

Petitioners' Motion to Strike Evidence Not Produced Before or at Hearing having come on for consideration October 7, 2020, the Court having reviewed the pleadings and papers on file herein, and good cause appearing,

1 IT IS HEREBY ORDERED that Petitioners' Motion to Strike Evidence Not Produced
2 Before or at Hearing is denied.

Dated this 8th day of October, 2020

3 DATED this ____ day of October, 2020.


4
5
6 
DISTRICT COURT JUDGE

7 SUBMITTED BY:

8 BRYAN K. SCOTT
9 City Attorney

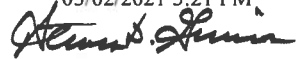
909 F59 A294 341D
Jim Crockett
District Court Judge

10 By:


11 JOHN A. CURTAS
12 Deputy City Attorney
13 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY RESPONDENTS

Exhibit

“3”


CLERK OF THE COURT

1 DAO
2 BRYAN K. SCOTT
3 City Attorney
4 Nevada Bar No. 4381
5 By: JOHN A. CURTAS
6 Deputy City Attorney
7 Nevada Bar No. 1841
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jacurtas@lasvegasnevada.gov
13 Attorneys for CITY RESPONDENTS

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 SOPHIE LAU, an individual; JEFFREY
11 LAU, an individual; GOOD EARTH
12 ENTERPRISES, INC., a California
13 Corporation; and LIG LAND
14 DEVELOPMENT, LLC, a California
15 Limited Liability Company,

16 Petitioners,

17 vs.

18 CITY OF LAS VEGAS, a political
19 subdivision of the State of Nevada;
20 CAROLYN GOODMAN, as Mayor of the
21 City of Las Vegas; CITY OF LAS VEGAS
22 DEPARTMENT OF BUILDING &
23 SAFETY, CODE ENFORCEMENT
24 DIVISION, a department of the city of Las
25 Vegas; VICKI OZUNA, Code Enforcement
26 Manager; EMILY WETZSTEIN, Code
27 Enforcement Assistant; KEVIN MCOSKER,
28 director, Building and Safety department;
JOHN BOYER, as City Council Designee;
DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. VIII

DECISION AND ORDER GRANTING PARTIAL RELIEF

25 The Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Equitable
26 Relief having come on for hearing February 2, 2021, Petitioners appearing through Leo P.
27 Flangas, Esq., of the FLANGAS LAW OFFICE, Respondents appearing through John A. Curtas,
28 Deputy City Attorney, of the LAS VEGAS CITY ATTORNEY'S OFFICE, the Court having reviewed

1 the pleadings and papers on file herein and having heard the arguments of counsel, this Court
2 hereby finds as follows:

3 As to the property located at 233 South Sixth Street (APN 139-34-611-037): The City of
4 Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
5 abatement in the amount of \$22,624.70, and the City Council Designee's findings as to this
6 assessment are hereby upheld as being supported by substantial evidence.

7 As to the property located at 232 South Seventh Street (APN 139-34-611-036): The City
8 of Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
9 abatement in the amount of \$924, and the City Council Designee's findings as to this assessment
10 are hereby upheld as being supported by substantial evidence.

11 As to the property located at 615 East Carson Avenue (139-34-611-041): The City of
12 Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
13 abatement in the amount of \$23,330, and the City Council Designee's findings as to this
14 assessment are hereby upheld as being supported by substantial evidence.

15 The Court further finds that the Petitioners substantially complied with three of the four
16 conditions imposed by the City of Las Vegas's Revised Demolition Notice and Order to Comply
17 for the property known as 233 South Sixth Street (APN 139-34-611-037), for the period
18 January 19, 2019 – February 20, 2019. Due to this partial compliance, it was an abuse of
19 discretion for the City Council Designee to approve and impose the maximum daily civil penalty
20 of \$32,000.

21 The Court further finds that the Petitioners substantially complied with three of the four
22 conditions imposed on the City of Las Vegas's Revised Demolition Notice and Order to Comply
23 against the subject property known as 232 South Seventh Street (APN 139-34-611-036), for the
24 period January 22, 2019 – February 20, 2019. Due to this partial compliance, it was an abuse of
25 discretion for the City Council Designee to approve and impose the maximum daily civil penalty
26 of \$30,000.

27

28

Accordingly, the Court grants to Petitioners the following relief:

The fine assessed against the subject property known as 233 South Sixth Street (APN 139-34-611-037) is hereby reduced to \$250/day for violations of the City of Las Vegas' Revised Demolition Notice and Order to Comply for the period January 19, 2019 – February 20, 2019, for a total fine of \$7,750.

The fine assessed against the subject property known as 232 South Seventh Street (APN 139-34-611-036)) is hereby reduced to \$250/day for violations of the City of Las Vegas' Revised Demolition Notice and Order to Comply for the period January 22, 2019 – February 20, 2019, for a total fine of \$7,000.

DATED this ____ day of March, 2021.

Dated this 2nd day of March, 2021



DISTRICT COURT JUDGE

SUBMITTED BY:

BRYAN K. SCOTT
City Attorney

3EB C98 E0DE 0A46
Jessica K. Peterson
District Court Judge

By:


JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY RESPONDENTS

APPROVED AS TO FORM AND CONTENT:

FLANGAS LAW OFFICE

By:

/s/ Leo P. Flangas
LEO P. FLANGAS, ESQ.
Nevada Bar No. 5637
BENJAMIN LA LUZERNE, ESQ.
Nevada Bar No. 12801
600 South Third Street
Las Vegas, NV 89101
Attorneys for Petitioners

Cindy Kelly

From: Leo Flangas <leo@flangaslawfirm.com>
Sent: Monday, March 1, 2021 2:52 PM
To: Cindy Kelly
Cc: John A. Curtas
Subject: RE: Proposed Order re Sophie Lau, et al. v. City of Las Vegas, et al.

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your City of Las Vegas account credentials.

Cindy-

The order is acceptable, you can affix my signature on the order and submit to the court.

Thanks, Leo

From: Cindy Kelly <CKelly@LasVegasNevada.GOV>
Sent: Thursday, February 18, 2021 12:21 PM
To: Leo Flangas <leo@flangaslawfirm.com>
Cc: John A. Curtas <jacurtas@LasVegasNevada.GOV>
Subject: Proposed Order re Sophie Lau, et al. v. City of Las Vegas, et al.

Hi Mr. Flangas:

Attached for your review is our proposed Decision and Order Granting Partial Relief in the referenced matter. Please advise if you have changes or whether we can affix your electronic signature to this document. Thank you.

Cindy Kelly

Legal Secretary

City Attorney's Office | Civil Litigation

702-229-2265

495 South Main Street, Sixth Floor | Las Vegas, NV 89101



lasvegasnevada.gov



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 sender, or by telephone at (702) 229-6629, and destroy the original transmission and its attachments without reading or saving them in any manner. Thank you.

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Sophie Lau, Plaintiff(s)

CASE NO: A-19-806797-W

7 vs.

DEPT. NO. Department 8

8 City of Las Vegas, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/2/2021

15 John Curtas

jacurtas@lasvegasnevada.gov

16 Jeffrey Andrews

jandrews@lasvegasnevada.gov

17 CluAynne Corwin

ccorwin@lasvegasnevada.gov

18 Natasha Smith

natasha@flangaslawfirm.com

19 Leo Flangas

leo@flangaslawfirm.com

20 Flangas Documents

documents@flangaslawfirm.com

21 John Curtas

jacurtas@LasVegasNevada.GOV

22 Ben La Luzerne

ben@flangaslawfirm.com
23
24
25
26
27
28

Exhibit

“4”



1 NEOJ
2 BRYAN K. SCOTT
3 City Attorney
4 Nevada Bar No. 4381
5 By: JOHN A. CURTAS
6 Deputy City Attorney
7 Nevada Bar No. 1841
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jacurtas@lasvegasnevada.gov
13 Attorneys for CITY RESPONDENTS

DISTRICT COURT

CLARK COUNTY, NEVADA

10 SOPHIE LAU, an individual; JEFFREY
11 LAU, an individual; GOOD EARTH
12 ENTERPRISES, INC., a California
13 Corporation; and LIG LAND
14 DEVELOPMENT, LLC, a California
15 Limited Liability Company,

Petitioners,

vs.

16 CITY OF LAS VEGAS, a political
17 subdivision of the State of Nevada;
18 CAROLYN GOODMAN, as Mayor of the
19 City of Las Vegas; CITY OF LAS VEGAS
20 DEPARTMENT OF BUILDING &
21 SAFETY, CODE ENFORCEMENT
22 DIVISION, a department of the city of Las
23 Vegas; VICKI OZUNA, Code Enforcement
24 Manager; EMILY WETZSTEIN, Code
25 Enforcement Assistant; KEVIN MCOSKER,
26 director, Building and Safety department;
27 JOHN BOYER, as City Council Designee;
28 DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. XXIV

**NOTICE OF ENTRY OF ORDER DENYING
PETITIONERS' MOTION TO STRIKE EVIDENCE
NOT PRODUCED BEFORE OR AT HEARING**

TO: SOPHIE LAU, JEFFREY LAU, GOOD EARTH ENTERPRISES, INC., and LIG LAND
DEVELOPMENT, LLC, Petitioners, and


TO: LEO P. FLANGAS, ESQ., and BENJAMIN LA LUZERNE, ESQ., their attorneys:

1 PLEASE TAKE NOTICE that an ORDER DENYING PETITIONERS' MOTION TO
2 STRIKE EVIDENCE NOT PRODUCED BEFORE OR AT HEARING was entered in the
3 above-entitled matter on October 8, 2020, a copy of which is attached hereto.

4 DATED this 15 day of October, 2020.

5 BRYAN K. SCOTT
6 City Attorney

7 By:

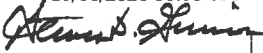

8 JOHN A. CURTAS
9 Deputy City Attorney
10 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY RESPONDENTS

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on October 15, 2020, I served a true and correct copy of the
13 foregoing NOTICE OF ENTRY OF ORDER DENYING PETITIONERS' MOTION TO
14 STRIKE EVIDENCE NOT PRODUCED BEFORE OR AT HEARING through the electronic
15 filing system of the Eighth Judicial District Court of the State of Nevada, pursuant to Nevada
16 Electronic Filing and Conversion Rules, (or, if necessary, by United States Mail at Las Vegas,
17 Nevada, postage fully prepaid) upon the following:

18 Leo P. Flangas, Esq.
19 Benjamin La Luzerne, Esq.
20 FLANGAS LAW OFFICE
600 South Third Street
Las Vegas, NV 89101
21 Attorneys for Petitioners

22 
23 AN EMPLOYEE OF THE CITY OF LAS VEGAS
24
25
26
27
28


CLERK OF THE COURT

1 ODM
2 BRYAN K. SCOTT
3 City Attorney
4 Nevada Bar No. 4381
5 By: JOHN A. CURTAS
6 Deputy City Attorney
7 Nevada Bar No. 1841
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jacurtas@lasvegasnevada.gov
13 Attorneys for CITY RESPONDENTS

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 SOPHIE LAU, an individual; JEFFREY
11 LAU, an individual; GOOD EARTH
12 ENTERPRISES, INC., a California
13 Corporation; and LIG LAND
14 DEVELOPMENT, LLC, a California
15 Limited Liability Company,

16 Petitioners,

17 vs.

18 CITY OF LAS VEGAS, a political
19 subdivision of the State of Nevada;
20 CAROLYN GOODMAN, as Mayor of the
21 City of Las Vegas; CITY OF LAS VEGAS
22 DEPARTMENT OF BUILDING &
23 SAFETY, CODE ENFORCEMENT
24 DIVISION, a department of the city of Las
25 Vegas; VICKI OZUNA, Code Enforcement
26 Manager; EMILY WETZSTEIN, Code
27 Enforcement Assistant; KEVIN MCOSKER,
28 director, Building and Safety department;
JOHN BOYER, as City Council Designee;
DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. XXIV

**ORDER DENYING PETITIONERS' MOTION TO STRIKE
EVIDENCE NOT PRODUCED BEFORE OR AT HEARING**

Petitioners' Motion to Strike Evidence Not Produced Before or at Hearing having come
on for consideration October 7, 2020, the Court having reviewed the pleadings and papers on file
herein, and good cause appearing,

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IT IS HEREBY ORDERED that Petitioners' Motion to Strike Evidence Not Produced
Before or at Hearing is denied.

Dated this 8th day of October, 2020

DATED this ____ day of October, 2020.




DISTRICT COURT JUDGE

SUBMITTED BY:

BRYAN K. SCOTT
City Attorney

909 F59 A294 341D
Jim Crockett
District Court Judge

By:



JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY RESPONDENTS

Exhibit

“5”



NEOJ
BRYAN K. SCOTT
City Attorney
Nevada Bar No. 4381
By: JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jacurtas@lasvegasnevada.gov
Attorneys for CITY RESPONDENTS

DISTRICT COURT

CLARK COUNTY, NEVADA

SOPHIE LAU, an individual; JEFFREY
LAU, an individual; GOOD EARTH
ENTERPRISES, INC., a California
Corporation; and LIG LAND
DEVELOPMENT, LLC, a California
Limited Liability Company,

Petitioners,

vs.

CITY OF LAS VEGAS, a political
subdivision of the State of Nevada;
CAROLYN GOODMAN, as Mayor of the
City of Las Vegas; CITY OF LAS VEGAS
DEPARTMENT OF BUILDING &
SAFETY, CODE ENFORCEMENT
DIVISION, a department of the city of Las
Vegas; VICKI OZUNA, Code Enforcement
Manager; EMILY WETZSTEIN, Code
Enforcement Assistant; KEVIN MCOSKER,
director, Building and Safety department;
JOHN BOYER, as City Council Designee;
DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. VIII

**NOTICE OF ENTRY OF DECISION
AND ORDER GRANTING PARTIAL RELIEF**


TO: SOPHIE LAU, JEFFREY LAU, GOOD EARTH ENTERPRISES, INC., and LIG LAND
DEVELOPMENT, LLC, Petitioners, and
TO: LEO P. FLANGAS, ESQ., and BENJAMIN LA LUZERNE, ESQ., their attorneys:

1 PLEASE TAKE NOTICE that a DECISION AND ORDER GRANTING PARTIAL
2 RELIEF was entered in the above-entitled matter on March 2, 2021, a copy of which is attached
3 hereto.

4 DATED this 3 day of March, 2021.

5 BRYAN K. SCOTT
6 City Attorney

7 By:



8 JOHN A. GURTAS
9 Deputy City Attorney
10 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on March 3, 2021, I served a true and correct copy of the foregoing
13 NOTICE OF ENTRY OF DECISION AND ORDER GRANTING PARTIAL RELIEF through
14 the electronic filing system of the Eighth Judicial District Court of the State of Nevada, pursuant
15 to Nevada Electronic Filing and Conversion Rules, (or, if necessary, by United States Mail at Las
16 Vegas, Nevada, postage fully prepaid) upon the following:

17 Leo P. Flangas, Esq.
18 Benjamin La Luzerne, Esq.
19 FLANGAS LAW OFFICE
600 South Third Street
Las Vegas, NV 89101
20 Attorneys for Petitioners

21 
22 AN EMPLOYEE OF THE CITY OF LAS VEGAS
23
24
25
26
27
28


CLERK OF THE COURT

1 DAO
2 BRYAN K. SCOTT
3 City Attorney
4 Nevada Bar No. 4381
5 By: JOHN A. CURTAS
6 Deputy City Attorney
7 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jacurtas@lasvegasnevada.gov
Attorneys for CITY RESPONDENTS

DISTRICT COURT

CLARK COUNTY, NEVADA

10 SOPHIE LAU, an individual; JEFFREY
11 LAU, an individual; GOOD EARTH
12 ENTERPRISES, INC., a California
13 Corporation; and LIG LAND
14 DEVELOPMENT, LLC, a California
15 Limited Liability Company,

Petitioners,

vs.

16 CITY OF LAS VEGAS, a political
17 subdivision of the State of Nevada;
18 CAROLYN GOODMAN, as Mayor of the
19 City of Las Vegas; CITY OF LAS VEGAS
20 DEPARTMENT OF BUILDING &
21 SAFETY, CODE ENFORCEMENT
22 DIVISION, a department of the city of Las
23 Vegas; VICKI OZUNA, Code Enforcement
24 Manager; EMILY WETZSTEIN, Code
25 Enforcement Assistant; KEVIN MCOSKER,
26 director, Building and Safety department;
27 JOHN BOYER, as City Council Designee;
28 DOES 1 through X,

Respondents.

CASE NO. A-19-806797-W
DEPT. NO. VIII

DECISION AND ORDER GRANTING PARTIAL RELIEF

25 The Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Equitable
26 Relief having come on for hearing February 2, 2021, Petitioners appearing through Leo P.
27 Flangas, Esq., of the FLANGAS LAW OFFICE, Respondents appearing through John A. Curtas,
28 Deputy City Attorney, of the LAS VEGAS CITY ATTORNEY'S OFFICE, the Court having reviewed

1 the pleadings and papers on file herein and having heard the arguments of counsel, this Court
2 hereby finds as follows:

3 As to the property located at 233 South Sixth Street (APN 139-34-611-037): The City of
4 Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
5 abatement in the amount of \$22,624.70, and the City Council Designee's findings as to this
6 assessment are hereby upheld as being supported by substantial evidence.

7 As to the property located at 232 South Seventh Street (APN 139-34-611-036): The City
8 of Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
9 abatement in the amount of \$924, and the City Council Designee's findings as to this assessment
10 are hereby upheld as being supported by substantial evidence.

11 As to the property located at 615 East Carson Avenue (139-34-611-041): The City of
12 Las Vegas properly imposed a lien for its out-of-pocket costs incurred during the nuisance
13 abatement in the amount of \$23,330, and the City Council Designee's findings as to this
14 assessment are hereby upheld as being supported by substantial evidence.

15 The Court further finds that the Petitioners substantially complied with three of the four
16 conditions imposed by the City of Las Vegas's Revised Demolition Notice and Order to Comply
17 for the property known as 233 South Sixth Street (APN 139-34-611-037), for the period
18 January 19, 2019 – February 20, 2019. Due to this partial compliance, it was an abuse of
19 discretion for the City Council Designee to approve and impose the maximum daily civil penalty
20 of \$32,000.

21 The Court further finds that the Petitioners substantially complied with three of the four
22 conditions imposed on the City of Las Vegas's Revised Demolition Notice and Order to Comply
23 against the subject property known as 232 South Seventh Street (APN 139-34-611-036), for the
24 period January 22, 2019 – February 20, 2019. Due to this partial compliance, it was an abuse of
25 discretion for the City Council Designee to approve and impose the maximum daily civil penalty
26 of \$30,000.

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1 Accordingly, the Court grants to Petitioners the following relief:

2 The fine assessed against the subject property known as 233 South Sixth Street (APN
3 139-34-611-037) is hereby reduced to \$250/day for violations of the City of Las Vegas' Revised
4 Demolition Notice and Order to Comply for the period January 19, 2019 – February 20, 2019,
5 for a total fine of \$7,750.

6 The fine assessed against the subject property known as 232 South Seventh Street (APN
7 139-34-611-036)) is hereby reduced to \$250/day for violations of the City of Las Vegas'
8 Revised Demolition Notice and Order to Comply for the period January 22, 2019 – February 20,
9 2019, for a total fine of \$7,000.

10 DATED this ____ day of March, 2021.

11 Dated this 2nd day of March, 2021

12 
13 DISTRICT COURT JUDGE

14 SUBMITTED BY:

15 BRYAN K. SCOTT
16 City Attorney

3EB C98 E0DE 0A46
Jessica K. Peterson
District Court Judge

17 By: 

18 JOHN A. CURTAS
19 Deputy City Attorney
20 Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY RESPONDENTS

21 APPROVED AS TO FORM AND CONTENT:

22 FLANGAS LAW OFFICE

23
24 By: /s/ Leo P. Flangas
25 LEO P. FLANGAS, ESQ.
26 Nevada Bar No. 5637
27 BENJAMIN LA LUZERNE, ESQ.
28 Nevada Bar No. 12801
600 South Third Street
Las Vegas, NV 89101
Attorneys for Petitioners

Cindy Kelly

From: Leo Flangas <leo@flangaslawfirm.com>
Sent: Monday, March 1, 2021 2:52 PM
To: Cindy Kelly
Cc: John A. Curtas
Subject: RE: Proposed Order re Sophie Lau, et al. v. City of Las Vegas, et al.

CAUTION: This email and any attachments are UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). Please use caution before opening attachments, forwarding this email, or submitting to the internet. Do not sign in with your City of Las Vegas account for this email.

Cindy-

The order is acceptable, you can affix my signature on the order and submit to the court.

Thanks, Leo

From: Cindy Kelly <CKelly@LasVegasNevada.GOV>
Sent: Thursday, February 18, 2021 12:21 PM
To: Leo Flangas <leo@flangaslawfirm.com>
Cc: John A. Curtas <jacurtas@LasVegasNevada.GOV>
Subject: Proposed Order re Sophie Lau, et al. v. City of Las Vegas, et al.

Hi Mr. Flangas:

Attached for your review is our proposed Decision and Order Granting Partial Relief in the referenced matter. Please advise if you have changes or whether we can affix your electronic signature to this document. Thank you.

Cindy Kelly

Legal Secretary
City Attorney's Office | Civil Litigation
702-229-2265
495 South Main Street, Sixth Floor | Las Vegas, NV 89101



lasvegasnevada.gov



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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Sophie Lau, Plaintiff(s)

CASE NO: A-19-806797-W

7 vs.

DEPT. NO. Department 8

8 City of Las Vegas, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/2/2021

15 John Curtas jacurtas@lasvegasnevada.gov

16 Jeffrey Andrews jandrews@lasvegasnevada.gov

17 CluAynne Corwin ccorwin@lasvegasnevada.gov

18 Natasha Smith natasha@flangaslawfirm.com

19 Leo Flangas leo@flangaslawfirm.com

20 Flangas Documents documents@flangaslawfirm.com

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