

Electronically Filed  
Jun 03 2021 03:32 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS**  
C. BENJAMIN SCROGGINS, ESQ.  
Nevada Bar No. 7902  
**THE LAW FIRM OF**  
**C. BENJAMIN SCROGGINS, ESQ.**  
629 South Casino Center Boulevard  
Las Vegas, Nevada 89101  
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*Attorney for Defendant,*  
*WHIPPLE CATTLE COMPANY, INC.*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE CATTLE  
COMPANY, INC., a Nevada corporation.,

Plaintiff,

vs.

BRET O. WHIPPLE, individually and as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada corporation; Et  
Al.,

Defendants.

Case No.: A-19-790929-B

Dept. No.: XXVII

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE THAT Defendant, WHIPPLE CATTLE COMPANY, INC.,  
hereby appeals to the Supreme Court of Nevada from this Court's Order Denying Defendants'  
Motion to Reconsider Order Denying Motion to Change Venue, filed on May 5, 2021, as well as

///

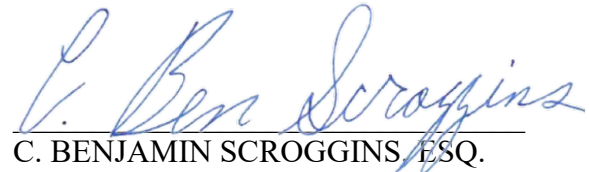
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///

1 this Court's Order Overruling Defendants' Objection to Transfer to Business Court, filed on  
2 April 28, 2021.

3 DATED this 24th day of May, 2021.

4 **THE LAW FIRM OF**  
5 **C. BENJAMIN SCROGGINS, ESQ.**

6   
7 C. BENJAMIN SCROGGINS, ESQ.

8 Nevada Bar No. 7902  
9 629 South Casino Center Boulevard  
10 Las Vegas, Nevada 89101  
11 Tel.: (702) 328-5550  
12 Fax: (702) 442-8660  
13 [CBS@cbscrogginslaw.com](mailto:CBS@cbscrogginslaw.com)

14 *Attorney for Defendant,*  
15 *WHIPPLE CATTLE COMPANY, INC.*

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that I served the foregoing **NOTICE OF APPEAL** in Eighth Judicial  
18 District Court case number A-19-790929-B by causing the same to be served electronically  
19 through the Court's Electronic Filing System to all Service Contacts registered for the case.

20 DATED this 24th day of May, 2021.

21   
22 C. BENJAMIN SCROGGINS, ESQ.

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-19-790929-B**

**Betsy Whipple, Plaintiff(s)**  
**vs.**  
**Bret Whipple, Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 27**  
Judicial Officer: **Allf, Nancy**  
Filed on: **03/12/2019**  
Case Number History:  
Cross-Reference Case **A790929**  
Number:  
Supreme Court No.: **80558**

**CASE INFORMATION****Statistical Closures**

05/05/2021 Other Manner of Disposition  
01/21/2020 Transferred (before trial)

Case Type: **Other Business Court Matters**

Case  
Status: **05/05/2021 Closed**

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

Case Number A-19-790929-B  
Court Department 27  
Date Assigned 12/08/2020  
Judicial Officer Allf, Nancy

**PARTY INFORMATION**








		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Whipple, Betsy L</b>	<b>Scroggins, C. Benjamin</b> <i>Retained</i> 702-660-7700(W)
<b>Defendant</b>	<b>Jane Whipple Family Trust</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Kent Whipple Ranch, LLC</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Wetzel, Kathryn</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Whipple Cattle Company, Inc.</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Whipple, Bret O</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Whipple, Cody K</b>	<b>Scroggins, C. Benjamin</b> <i>Retained</i> 702-660-7700(W)
	<b>Whipple, Jane E</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
	<b>Whipple, Kirt R</b>	<b>Whipple, Bret O</b> <i>Retained</i> 702-731-0000(W)
<b>Counter Claimant</b>	<b>Jane Whipple Family Trust</b>	<b>Whipple, Bret O</b>

# CASE SUMMARY

CASE NO. A-19-790929-B

CASE NO. A-19-790929-B

		<i>Retained</i> 702-731-0000(W)
Kent Whipple Ranch, LLC	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Wetzel, Kathryn	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Whipple Cattle Company, Inc.	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Whipple, Bret O	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Whipple, Cody K	Scroggins, C. Benjamin	<i>Retained</i> 702-660-7700(W)
Whipple, Jane E	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Whipple, Kirt R	Whipple, Bret O	<i>Retained</i> 702-731-0000(W)
Counter Defendant	Whipple, Betsy L	Scroggins, C. Benjamin <i>Retained</i> 702-660-7700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
03/12/2019	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Whipple, Betsy L <i>Plaintiff's Initial Appearance Fee Disclosure</i>	
03/12/2019	 Complaint Filed By: Counter Defendant Whipple, Betsy L <i>Verified Complaint Automatic Exemption from Arbitration: Equitable Relief Requested</i>	
03/12/2019	 Amended Filed By: Counter Defendant Whipple, Betsy L <i>Amended Plaintiff's Initial Appearance Fee Disclosure</i>	
03/12/2019	 Complaint Filed By: Counter Defendant Whipple, Betsy L <i>Verified Complaint Automatic Exemption from Arbitration: Equitable Relief Requested</i>	
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Bret O. Whipple</i>	
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Cody K. Whipple</i>	
03/12/2019	 Summons Electronically Issued - Service Pending	

# CASE SUMMARY

CASE NO. A-19-790929-B

	<i>Unfiled Document(s) - Summons-Civil Jane E. Whipple</i>
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Kathryn Wetzel</i>
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Kent Whipple Ranch, LLC</i>
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Kirt R. Whipple</i>
03/12/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Kirt R. Whipple as Secretary of Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Bret O. Whipple, as Director of Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Bret O. Whipple, as President of Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Cody K. Whipple as Treasurer of Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Jane E. Whipple as Director of Whipple Cattle Company, Inc.</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Jane E. Whipple as Managing Member of Jane Whipple Family Trust</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Jane E. Whipple as Trustee of Jane Whipple Family Trust</i>
03/13/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Jane E. Whipple as Managing Member of Kent Whipple Ranch, LLC</i>
03/14/2019	 Summons Electronically Issued - Service Pending <i>Unfiled Document(s) - Summons-Civil Jane Whipple Family Trust</i>
03/19/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple, Cody K
03/19/2019	

# CASE SUMMARY

CASE NO. A-19-790929-B

	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L
03/21/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple, Bret O
03/21/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple Cattle Company, Inc.
03/25/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple Cattle Company, Inc.
03/25/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Kent Whipple Ranch, LLC
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple, Jane E
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple Cattle Company, Inc.
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Jane Whipple Family Trust
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Kent Whipple Ranch, LLC
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Whipple Cattle Company, Inc.
04/01/2019	 Affidavit of Service Filed By: Counter Defendant Whipple, Betsy L Party Served: Counter Claimant Jane Whipple Family Trust
04/11/2019	 Default Filed By: Counter Defendant Whipple, Betsy L <i>Default Bret O. Whipple (Set Aside per Order filed 07/08/19)</i>
04/11/2019	 Default Filed By: Counter Defendant Whipple, Betsy L <i>Default Bret O. Whipple as President of Whipple Cattle Company, Inc. (Set Aside per Order filed 07/08/19)</i>
04/11/2019	 Default Filed By: Counter Defendant Whipple, Betsy L

# CASE SUMMARY

CASE NO. A-19-790929-B

*Default Bret O. Whipple as Director of Whipple Cattle Company, Inc. (Set Aside per Order filed 07/08/19)*

04/11/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Cody K Whipple (Set Aside per Order filed 07/08/19)*

04/16/2019



Affidavit of Service

Filed By: Counter Defendant Whipple, Betsy L

04/16/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Cody K Whipple as Treasurer of Whipple Cattle Company, Inc. (Set Aside per Order filed 07/08/19)*

04/17/2019



Motion for Change of Venue

04/17/2019



Initial Appearance Fee Disclosure

*Initial Appearance Fee Disclosure (NRS Chapter 19)*

04/17/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Kent Whipple Ranch LLC (Set Asider per Order filed 07/08/19)*

04/22/2019



Affidavit of Service

Filed By: Counter Defendant Whipple, Betsy L

04/22/2019



Affidavit of Service

Filed By: Counter Defendant Whipple, Betsy L

04/22/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Jane Whipple as Director of Whipple Cattle Company, LLC. (Set Asider per Order filed 07/08/19)*

04/22/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Jane Whipple Family Trust (Set Aside per Order filed 07/08/19)*

04/22/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Jane Whipple as Managing Member of Kent Whipple Ranch, LLC. (Set Aside per Order filed 07/08/19)*

04/22/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Jane E. Whipple (Set Aside per Order filed 07/08/19)*

04/22/2019



Default

Filed By: Counter Defendant Whipple, Betsy L  
*Default Jane Whipple as Trustee of Jane Whipple Family Trust (Set Aside per Order filed 07/08/19)*

04/25/2019



Default

# CASE SUMMARY













CASE NO. A-19-790929-B

	<p>Filed By: Counter Defendant Whipple, Betsy L  <i>Default Kirt R. Whipple as Secretary of Whipple Cattle Company, Inc. (Set Aside per Order filed 07/08/19)</i></p>
04/25/2019	<p> Default            Filed By: Counter Defendant Whipple, Betsy L  <i>Default Kirt R. Whipple (Set Aside per Order filed 07/08/19)</i></p>
04/29/2019	<p> Affidavit of Attempted Service            Filed By: Counter Defendant Whipple, Betsy L  <i>Affidavit of Attempts</i></p>
04/29/2019	<p> Affidavit of Attempted Service            Filed By: Counter Defendant Whipple, Betsy L  <i>Affidavit of Attempts</i></p>
04/29/2019	<p> Affidavit of Attempted Service            Filed By: Counter Defendant Whipple, Betsy L  <i>Affidavit of Attempts</i></p>
05/01/2019	<p> Motion to Set Aside Default Judgment            Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust  <i>Motion to Set Aside Defaults and for Attorney's Fees (Hearing Requested)</i></p>
05/01/2019	<p> Clerk's Notice of Hearing  <i>Notice of Hearing</i></p>
05/08/2019	<p> Motion to Strike            Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiffs' Motion to Strike Defendants' Motion to Change Venue or Opposition Thereto</i></p>
05/20/2019	<p> Opposition to Motion            Filed By: Counter Claimant Whipple, Bret O  <i>Defendants' Opposition to Motion to Strike or, in the Alternative Reply to Opposition</i></p>
05/22/2019	<p> Opposition to Motion            Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiff's Opposition to Defendants' Motion to Set Aside Defaults and for Attorneys Fees and Plaintiff's Request for Attorney Fees</i></p>
05/28/2019	<p> Reply to Opposition            Filed by: Counter Claimant Whipple, Bret O  <i>Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion to Set Aside Defaults and for Attorneys Fees and Opposition to Plaintiff's Request for Attorney Fees</i></p>
06/10/2019	<p> Errata            Filed By: Counter Claimant Whipple, Bret O  <i>Defendants' Errata to Opposition to Motion to Strike or in the Alternative Reply to Opposition</i></p>
07/08/2019	<p> Proof of Service            Filed by: Counter Defendant Whipple, Betsy L</p>

















# CASE SUMMARY

CASE NO. A-19-790929-B

07/08/2019	 Order Granting Motion <i>Order Granting Defendants' Motion to Set Aside Defaults</i>
07/24/2019	 Answer & Counterclaim (Criminal) Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Defendants' Answer, Affirmative Defenses and Counterclaim</i>
08/14/2019	 Answer to Counterclaim Filed By: Counter Defendant Whipple, Betsy L; Counter Claimant Whipple Cattle Company, Inc. <i>Plaintiff Betsy Whipple's Answer to Defendant's Counterclaims</i>
08/27/2019	 Motion Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Motion Renewed to Change Venue and Declaration of Defendants in Support Hereof</i>
08/27/2019	 Notice of Early Case Conference Filed By: Counter Defendant Whipple, Betsy L
08/28/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/29/2019	 Amended Notice of Early Case Conference Filed By: Counter Defendant Whipple, Betsy L
09/06/2019	 Motion to Vacate Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Motion to Vacate Early Case Conference and to Stay the Requirement of an Early Case Conference Until the Court Resolves the Pending the Motion to Change Venue</i>
09/10/2019	 Opposition to Motion Filed By: Counter Defendant Whipple, Betsy L <i>Plaintiffs' Opposition to Defendants' Motion Renewed to Change Venue</i>
09/16/2019	 Reply to Opposition Filed by: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc. <i>Reply to Plaintiffs' Opposition to Defendants' Motion Renewed to Change Venue</i>
09/20/2019	 Opposition to Motion Filed By: Counter Defendant Whipple, Betsy L <i>Plaintiffs' Opposition to Defendants' Motion to Vacate Early Case Conference and to Stay the Requirement of an Early Case Conference Until the Court Resolves the Pending Motion to Change Venue</i>
09/30/2019	 Individual Case Conference Report















# CASE SUMMARY

CASE NO. A-19-790929-B

	<p>Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiff's Individual Case Conference Report</i></p>
01/06/2020	<p> Order Granting Motion            Filed By: Counter Defendant Whipple, Betsy L  <i>Order Granting Defendants' Motion Renewed to Change Venue</i></p>
01/06/2020	<p> Notice of Entry of Order            Filed By: Counter Defendant Whipple, Betsy L</p>
01/16/2020	<p> Motion to Reconsider            Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiff's Motion for Reconsideration Hearing Requested</i></p>
01/17/2020	<p> Clerk's Notice of Hearing  <i>Notice of Hearing</i></p>
01/28/2020	<p> Motion to Stay            Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiff's Motion to Stay Venue Change Pending Reconsideration Pursuant to NRCP 62(b) Hearing Not Requested</i></p>
01/30/2020	<p> Opposition to Motion            Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust  <i>Defendants' Opposition to Motion for Reconsideration</i></p>
01/31/2020	<p> Clerk's Notice of Nonconforming Document</p>
02/04/2020	<p> Clerk's Notice of Nonconforming Document and Curative Action  <i>Clerk's Notice of Curative Action</i></p>
02/04/2020	<p> Clerk's Notice of Hearing  <i>Notice of Hearing</i></p>
02/05/2020	<p> Notice of Appeal            Filed By: Counter Defendant Whipple, Betsy L</p>
02/05/2020	<p> Case Appeal Statement</p>
03/10/2020	<p> Request            Filed by: Counter Defendant Whipple, Betsy L  <i>Request for Transcript of Proceedings</i></p>
11/19/2020	<p> Motion            Filed By: Counter Defendant Whipple, Betsy L  <i>Plaintiff Betsy L. Whipple's Motion for Determination on Motion for Reconsideration</i></p>
11/19/2020	<p> Clerk's Notice of Nonconforming Document  <i>Clerk's Notice of Nonconforming Document</i></p>

# CASE SUMMARY

CASE NO. A-19-790929-B

11/20/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i>
11/25/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/25/2020	 Substitution of Attorney Filed by: Counter Defendant Whipple, Betsy L <i>Substitution of Counsel</i>
11/25/2020	 Request to Transfer to Business Court Filed by: Counter Defendant Whipple, Betsy L <i>Request to Transfer to Business Court</i>
11/30/2020	 Motion to Strike Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Motion to Strike Plaintiff's Request to Transfer to Business Court</i>
12/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/08/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
12/08/2020	 Peremptory Challenge Filed by: Counter Defendant Whipple, Betsy L <i>Peremptory Challenge</i>
12/08/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
12/11/2020	 Temporary Restraining Order Filed by: Counter Defendant Whipple, Betsy L <i>(12/17/20 Set Aside) Temporary Restraining Order</i>
12/11/2020	 Motion for Preliminary Injunction Filed By: Counter Defendant Whipple, Betsy L <i>Plaintiff's Emergency Ex-Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction on OST</i>
12/14/2020	 Notice of Posting Bond Filed By: Counter Defendant Whipple, Betsy L <i>Notice of Posting Bond</i>
12/14/2020	 Opposition to Motion Filed By: Counter Defendant Whipple, Betsy L <i>Opposition to Motion to Strike Request</i>
12/15/2020	 Opposition to Motion <i>Opposition to Motion for Preliminary Injunction</i>

# CASE SUMMARY

CASE NO. A-19-790929-B

12/15/2020	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Reply in Support of Motion for Reconsideration</i>
12/16/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
12/16/2020	 Objection <i>Objection to Transfer to Business Court</i>
12/16/2020	 Supplement Filed by: Counter Claimant Jane Whipple Family Trust <i>Defendants' Supplement to Opposition to Motion for an Injunction</i>
12/16/2020	 Exhibits <i>Exhibits 1 through 12 to Defendants' Supplement to Opposition to Motion for Injunction</i>
12/16/2020	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Reply in Support of Motion for Preliminary Injunction</i>
12/17/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
12/17/2020	 Order <i>Order</i>
12/23/2020	 Motion to Disqualify Attorney Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Motion to Disqualify Bret O. Whipple as Counsel for Defendants</i>
12/24/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
01/06/2021	 Opposition to Motion Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Opposition to Betsy L Whipple's Motion to Disqualify Bret O Whipple as Counsel for Defendant's</i>
01/08/2021	 Supplement Filed by: Counter Claimant Whipple, Bret O <i>Defendants' Supplement Regarding Plaintiffs' Motion for Reconsideration of Order Changing Venue</i>
01/08/2021	 Supplemental Brief Filed By: Counter Defendant Whipple, Betsy L <i>Supplemental Brief In Support of Motion for Reconsideration</i>
01/20/2021	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Reply in Support of Motion to Disqualify Bret O. Whipple as Counsel for</i>

# CASE SUMMARY

CASE NO. A-19-790929-B

## Defendants

01/26/2021	 Supplement Filed by: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Defendants' Supplement and/or Reply in Support of Objection to Transfer to Business Court</i>
01/27/2021	 Notice of Appearance Party: Counter Claimant Whipple Cattle Company, Inc. <i>Notice of Appearance</i>
01/27/2021	 Order Granting <i>Order Granting Plaintiff's Motion for Reconsideration</i>
01/27/2021	 Supplement Filed by: Counter Defendant Whipple, Betsy L <i>Supplement in Support of Motion to Disqualify Bret O. Whipple as Counsel for Defendants</i>
01/28/2021	 Supplement to Opposition Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Whipple Cattle Company, Inc.; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Supplement in Support Opposition to Betsy L Whipple's Motion to Disqualify Bret O Whipple as Counsel for Defendants</i>
02/02/2021	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Motions, Heard on January 27, 2021</i>
02/03/2021	 Mandatory Rule 16 Conference Order <i>Business Court Order to Appear For Mandatory 16.1 Conference</i>
02/03/2021	 Substitution of Attorney Filed by: Counter Claimant Whipple Cattle Company, Inc. <i>Defendant, Whipple Catle Company, Inc.'s Substitution of Attorney</i>
02/05/2021	 Motion to Reconsider Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Motion to Reconsider Order Denying Motion to Change Venue to Lincoln County</i>
02/08/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/09/2021	 Order <i>Order</i>
02/17/2021	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Motions, Heard on January 28, 2021</i>
02/19/2021	 Motion for Preliminary Injunction

# CASE SUMMARY

CASE NO. A-19-790929-B

Filed By: Counter Defendant Whipple, Betsy L  
*Plaintiff's Motion for Preliminary Injunction on Order Shortening Time*

02/19/2021



Motion

*Plaintiff's Motion for Preliminary Injunction on OST*

02/22/2021



Notice of Entry of Order

Filed By: Counter Defendant Whipple, Betsy L  
*Notice of Entry of Order*

02/22/2021



Opposition to Motion

Filed By: Counter Defendant Whipple, Betsy L  
*Plaintiff's Opposition to Defendants' Motion to Reconsider Order Denying Renewed Motion to Change Venue to Lincoln County*

02/23/2021



Clerk's Notice of Nonconforming Document

*Clerk's Notice of Nonconforming Document*

02/23/2021



Motion

*Defendants' Motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of Motion to Reconsider Order Denying Motion to Change Venue*

02/24/2021



Clerk's Notice of Hearing

*Notice of Hearing*

02/24/2021



Joinder To Motion

Filed By: Counter Claimant Whipple Cattle Company, Inc.  
*Defendant Whipple Cattle Company, Inc.'s Joinder to Defendants' Motion to Reconsider Order Denying Motion to Change Venue*

03/02/2021



Scheduling and Trial Order

*Business Court Scheduling Order and Order Setting Civil Bench Trial; Calendar Call; and Status Check*

03/02/2021



Reply in Support

Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust

*Defendants' Reply Brief in Support of Motion to Reconsider Order Denying Renewed Motion to Change Venue to Lincoln County*

03/02/2021



Opposition to Motion

Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust

*Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction on Order Shortening Time*

03/02/2021



Exhibits

Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust

*Exhibit B - Emails Received and Sent*

# CASE SUMMARY

CASE NO. A-19-790929-B

03/02/2021	 Exhibits Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Exhibit C - Previously Filed WCC Exhibits</i>
03/03/2021	 Notice of Compliance Party: Counter Defendant Whipple, Betsy L <i>Notice of Compliance</i>
03/03/2021	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Reply in Support of Motion for Preliminary Injunction on Order Shortening Time</i>
03/15/2021	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Plaintiffs' Motion for Preliminary Injunction on Order Shortening Time, Heard on March 4, 2021</i>
03/19/2021	 Motion for Attorney Fees Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Motion for Attorneys' Fees Associated With Bringing Motion to Disqualify Bret O. Whipple</i>
03/23/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/05/2021	 Opposition to Application for Attorney's Fees Filed by: Counter Claimant Whipple Cattle Company, Inc. <i>Defendant, Whipple Cattle Company, Inc.'s Opposition to Plaintiff, Betsy Whipple's Motion for Attorneys' Fees Associated with Bringing Motion to Disqualify Bret O. Whipple, Esq.</i>
04/13/2021	 Joinder <i>Joinder to Opposition to Motion for Attorney's Fees</i>
04/21/2021	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Reply in Support of Motion for Attorneys' Fees Associated with Bringing Motion to Disqualify Bret O. Whipple</i>
04/26/2021	 Motion to Disqualify Attorney Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Motion to Disqualify Benjamin Scroggins as Counsel for Whipple Cattle Company, Inc.</i>
04/26/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/28/2021	 Order Denying Motion Filed By: Counter Defendant Whipple, Betsy L <i>Order Denying Defendants' Motion to Strike Request to Transfer to Business Court</i>
04/29/2021	 Notice of Entry of Order Filed By: Counter Defendant Whipple, Betsy L <i>Notice of Entry of Order</i>

# CASE SUMMARY

CASE NO. A-19-790929-B

05/05/2021	 Order Denying Filed By: Counter Defendant Whipple, Betsy L <i>Order Denying Defendants' Motion to Reconsider Order Denying Motion to Change Venue</i>
05/05/2021	 Notice of Entry of Order Filed By: Counter Defendant Whipple, Betsy L <i>Notice of Entry of Order</i>
05/05/2021	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Motions, Heard on April 28, 2021</i>
05/10/2021	 Opposition to Motion Filed By: Counter Claimant Whipple Cattle Company, Inc. <i>Defendant, Whipple Cattle Company, Inc's Opposition to Plaintiff, Betsy whipple's Motion to Disqualify Benjamin Scroggins, Esq. as Counsel for Whipple Cattle Company, Inc.</i>
05/18/2021	 Supplement Filed by: Counter Defendant Whipple, Betsy L <i>Supplement to Motion for Attorneys' Fees Associated with Bringing Motion to Disqualify Bret O. Whipple</i>
05/19/2021	 Notice of Appeal Filed By: Counter Claimant Whipple, Bret O; Counter Claimant Whipple, Kirt R; Counter Claimant Whipple, Jane E; Counter Claimant Whipple, Cody K; Counter Claimant Wetzel, Kathryn; Counter Claimant Kent Whipple Ranch, LLC; Counter Claimant Jane Whipple Family Trust <i>Notice of Appeal</i>
05/20/2021	 Reply in Support Filed By: Counter Defendant Whipple, Betsy L <i>Betsy L. Whipple's Reply in Support of Motion to Disqualify Benjamin Scroggins as Counsel for Whipple Cattle Company, Inc.</i>
05/24/2021	 Objection Filed By: Counter Claimant Whipple Cattle Company, Inc. <i>Objection to Subpoenas</i>
05/24/2021	 Notice of Appeal Filed By: Counter Claimant Whipple Cattle Company, Inc. <i>Notice of Appeal</i>
05/24/2021	 Objection <i>Objection to Subpoenas and Request for Protective Order</i>
05/25/2021	 Motion to Stay Filed By: Counter Claimant Whipple, Bret O <i>Motion to Stay Proceeding Pending Appeal</i>
05/26/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>

## HEARINGS

06/04/2019	 <b>Motion to Set Aside Default Judgment (9:30 AM)</b> (Judicial Officer: Escobar, Adriana) <b>06/04/2019, 06/11/2019</b>
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# CASE SUMMARY

CASE NO. A-19-790929-B

*Motion to Set Aside Default and for Attorney's Fees*

Matter Continued;

Granted in Part;

Journal Entry Details:

*Mr. Whipple stated he provided the documents requested by the Plaintiff; the matter should now move forward as there are a few issues needing to be resolved. Further arguments by counsel regarding defaults and attorney's fees. COURT ORDERED, motion GRANTED as to setting aside the defaults and DENIED as to attorney's fees.;*

Matter Continued;

Granted in Part;

Journal Entry Details:

*CONFERENCE AT BENCH. Mr. Ramsey stated he and Mr. Whipple met before Court and they are working on the tax records and obtaining the financial information. Additionally, he advised the only defaults entered were entered by the Clerk of the Court. COURT ORDERED, matter CONTINUED. CONTINUED TO: 6/11/19 9:30 AM;*

10/01/2019



**Motion (9:30 AM)** (Judicial Officer: Escobar, Adriana)

*Defendants' Motion Renewed to Change Venue and Declaration of Defendants In Support Hereof*

Granted;

Journal Entry Details:

*Mr. Whipple argued that this matter should be transferred to Lincoln County, NV as all of the requirements have been met and the property is in Lincoln County. Mr. Chase stated that Mr. Whipple has not cited any law to support his motion. Mr. Van advised that torts related to property are not enough for a change of venue. COURT ORDERED, a minute order will be issued.;*

10/22/2019



**Minute Order (3:30 PM)** (Judicial Officer: Escobar, Adriana)

Granted; Defendants' Motion Renewed to Change Venue...Motion to Vacate Early Case Conference

Journal Entry Details:

*Defendants, collectively, filed a Motion Renewed to Change Venue (Motion), which Plaintiff opposed. The Court held a hearing on the Motion on October 1, 2019. After considering the pleadings and arguments, the Court GRANTS Defendants Motion Renewed to Change Venue and GRANTS Defendants Motion to Vacate the Early Case Conference. The Court recognizes that proper venue is either the county in which one or more defendants reside at the commencement of the action. NRS 13.040; Washoe County v. Wildeveld, 103 Nev. 380 (1987). However, under NRS 13.050(c), the Court may change the place of the proceeding [w]hen the convenience of the witnesses and the ends of justice would be promoted by the change. Lyon Cty. v. Washoe Med. Ctr., 766 P.2d 902, 904 (Nev. 1988). Note, [a]n action in any form to determine a right or interest in real property must be tried where the property is situated. Price v. Ward, 25 Nev. 203, 58 P. 849 (Oct. 1899). This matter is Plaintiff's request for injunctive relief on various grounds, breach of fiduciary duty on various grounds, and other claims. All of Plaintiff's claims directly connect to and arise from conduct of Defendant WHIPPLE CATTLE COMPANY, INC. (WCC), which is located and doing business at 4004 Whipple Ranch Road, Hiko, Lincoln County, Nevada 89017. Moreover, motions brought pursuant to NRS 13.050 subsection (2) need not be preceded by a timely demand and are addressed to the discretion of the court. Kenning Car Rental v. Desert Rent-A-Car, 105 Nev. 118, 771 P.2d 150 (Nev. 1989). The Court finds that Change of venue is proper for the following reasons: 1. The facts and issues in dispute concerning the real property, conversion and trespass claims are exclusive to Lincoln County, Nevada. NRS 13.050(2)(c) 2. Plaintiff, Betsy Whipple, lives in Lincoln County, Nevada. NRS 13.050(2)(c). 3. Defendant, WCC, is located and doing business at 4004 Whipple Ranch Road, Hiko, Lincoln County, Nevada 89017. NRS 13.050(2)(c). 4. Defendant, Cody Whipple, is a part-time resident of Lincoln County, Nevada and he votes in Lincoln County, Nevada and is the Treasurer of the WHIPPLE CATTLE COMPANY, INC. NRS 13.050(2)(c) 5. Kathryn Wetzel, is now residing in Lincoln County, Nevada. NRS 13.050(2)(c) 6. Defendant, Jane Whipple, is a resident of Lincoln County, Nevada. NRS 13.050(2)(c) 7. Defendant, Kirt ( Blu ) Whipple, is a resident of Harris County, Texas and for the convenience of all parties agrees to Lincoln County, Nevada for the convenience of the witnesses and the ends of justice in this matter. NRS 13.050(2)(c) 8. All witnesses Defendants anticipate calling either worked and/or lived during the relevant period of time in Lincoln County, Nevada. Based exclusively on the foregoing reasons and the connected filed pleadings without taking judicial notice of the prior cases in Lincoln County, Nevada the Court hereby GRANTS Defendants Motion Renewed to Change Venue and GRANTS Defendants Motion to Vacate the Early Case Conference.*


# CASE SUMMARY


CASE NO. A-19-790929-B

*Counsel for the Defendants is directed to prepare a detailed proposed order. Please include the findings of fact and conclusions of law made in this Minute Order, as well as by Defendants in their Motion, such that a reviewing court would understand the basis for the Court's order. Please provide counsel for Plaintiff with a copy so counsel may review as to form and content. Then, submit the proposed order to chambers for signature. Please also email a copy of the order in Microsoft Word format to PowellD@clarkcountycourts.us and Dept14LC@clarkcountycourts.us. CLERK'S NOTE: Counsel notified via e-mail: Bret Whipple (BretWhipple@gmail.com);*

03/17/2020 **CANCELED Motion to Stay** (9:30 AM) (Judicial Officer: Escobar, Adriana)  
*Vacated*  
*Plaintiff's Motion to Stay Venue Change Pending Reconsideration Pursuant to NRCP 62(b)*

03/19/2020 **CANCELED Motion to Stay** (9:30 AM) (Judicial Officer: Escobar, Adriana)  
*Vacated - Duplicate Entry*  
*Plaintiff's Motion to Stay Venue Change Pending Reconsideration Pursuant to NRCP 62(b)*

12/04/2020  **Minute Order** (3:00 AM) (Judicial Officer: Escobar, Adriana)  
*Minute Order re: Motion to Stay*  
*Minute Order - No Hearing Held;*  
*Journal Entry Details:*  
*Plaintiff's Motion to Stay Venue Change Pending Reconsideration Pursuant to NRCP 62(b) (Motion) was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on March 19, 2020. This matter was vacated pending the Nevada Supreme Court appeal. Upon further review, the Court enters the following order: Pursuant to NRAP 4(a)(4) and NRAP 4(a)(6), this Court still has jurisdiction over this case. The hearing on Plaintiff's Motion for Reconsideration has been set for December 17, 2020. COURT ORDERED, Plaintiff's Motion to Stay Venue Change pending its ruling on Plaintiff's Motion for Reconsideration is GRANTED. Counsel for Plaintiff is directed to prepare a proposed order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: A copy of this minute order was distributed to: L. Christopher Rose, Esq., (lcr@h2law.com) and Bret O. Whipple, Esq., (bretwhipple@gmail.com).;*

12/15/2020  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
*Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance*  
*Journal Entry Details:*  
*Department 27 Formal Request to Appear Telephonically Re: Matter set on December 17, 2020 at 1:00 p.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called*

# CASE SUMMARY

CASE NO. A-19-790929-B

shortly. Again, please keep your phone or computer mic on MUTE until your case is called.  
CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/15/2020;

12/17/2020



**Motion for Preliminary Injunction** (1:00 PM) (Judicial Officer: Allf, Nancy)

*Emergency Ex Parte Motion for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time*

Matter Heard;

Journal Entry Details:

*All appearances made via the BlueJeans Videoconferencing Application. Court noted it entered a Temporary Restraining Order (TRO) to stabilize the interest of the 40% owner in the company and Court set this hearing to address various issues with Court granting the order. Colloquy regarding whether or the order changing the venue was a final judgment, minute order of Judge Escobar entered on December 4, 2020, whether or not this Court has jurisdiction, and issues on how to proceed in the case. Mr. Whipple requested the security costs be released to his firm to cover incidentals. Ms. Perkins requested the TRO be extended if it is Judge's inclination to have Judge Escobar hear the motion for reconsideration. COURT ORDERED, TRO is put aside, bond to be released to Plaintiff; with regard to the motion to reconsider, that will be referred to Judge Escobar for her decision, counsel are to file and serve simultaneous briefs no later than January 8, 2021, and Judge Escobar will set a hearing at her earliest convenience after that time. Court stated that in the event the motion to reconsider is denied, the issue in the Motion to Strike Business Court will become moot. Court further stated she and her law clerk would draft the order from this hearing.;*

12/17/2020

**CANCELED Motion** (1:00 PM) (Judicial Officer: Allf, Nancy)

*Vacated*

*Temporary Restraining Order*

01/12/2021

**CANCELED Motion** (9:30 AM) (Judicial Officer: Escobar, Adriana)

*Vacated - Moot*

*Plaintiff Betsy L. Whipple's Motion for Determination on Motion for Reconsideration*

01/14/2021



**Motion For Reconsideration** (9:30 AM) (Judicial Officer: Escobar, Adriana)

*Plaintiff's Motion for Reconsideration*

*Appealed to Nevada Supreme Court*

*Business Court Transfer*

Granted;

Journal Entry Details:

*Upon the Court's inquiry, Ms. Perkins confirmed this case is before business court however, Judge Allf forwarded the case to this court for this specific hearing. Ms. Perkins further stated the Court previously granted the Motion to Change Venue to Lincoln County and argued this case has nothing to do with real property and it has everything to do with a shareholder dispute. Ms. Perkins further reviewed the causes of action and requested the Court reconsider the order changing venue. Argument by Mr. Whipple noting the plaintiff is forum shopping, all of the issues were already heard and there is now new law that Ms. Perkins can bring to the Court. Court stated it has looked at the issues very closely and while the Court understands this matter is in Business Court, that is not something the Court is taking into consideration at this time. Further, the Court is looking at what is the standard for a Motion for Reconsideration. Court Stated, this Court believes it made an error and this is a corporate dispute and this Court was erroneous in the forum non-convenience argument. COURT ORDERED Plaintiff's Motion for Reconsideration GRANTED; Ms. Perkins to prepare the order and provide the proposed order to Mr. Whipple and the court would like to receive the order in Word and PDF format to the DC 14 Inbox.;*

01/19/2021



**Status Check** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Vacate;*

Journal Entry Details:

*COURT FINDS after review that on January 14, 2021 the Motion for Reconsideration was held. COURT FURTHER FINDS after review that on January 14, 2021 the Honorable Adriana Escobar in Department 14 granted the Motion for Reconsideration. The Minutes for the Motion for Reconsideration stated that this case involves a corporate dispute and that the Court was erroneous in the forum non convenience argument. COURT FURTHER FINDS*

# CASE SUMMARY

CASE NO. A-19-790929-B

after review that this case is now a Business Court case. COURT FURTHER FINDS after review that a Status Check was scheduled on January 19, 2021 on Chambers calendar. THEREFORE COURT ORDERS for good cause appearing and after review that the Status Check scheduled on January 19, 2021 on Chambers calendar is hereby VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/22/2021;

01/27/2021



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held;

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on January 27, 2021 , 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL:

<https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page.

Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/27/2021 ;

01/27/2021



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on January 28, 2021 , 2020 at 1:15 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL:

<https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page.

Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole



# CASE SUMMARY

CASE NO. A-19-790929-B

McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/27/2021 ;

01/27/2021

**Motion to Strike** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Motion to Strike Plaintiff's Request to Transfer to Business Court*  
Business Court Transfer  
Peremptory Challenge Filed  
Denied;

01/27/2021



**Motion to Disqualify Attorney** (9:30 AM) (Judicial Officer: Allf, Nancy)

01/27/2021-01/28/2021

*Betsy Whipple's Motion to Disqualify Bret O. Whipple as Counsel for Defendants*  
Matter Continued;

Granted in Part;  
Journal Entry Details:

*Parties present via Blue Jeans. Ms. Perkins argued in support of Motion stating there was a blatant disregard for the rules of professional misconduct. Before they brought this motion, Mr. Whipple was representing the corporation, the shareholders, directors and officers. He also represented himself and maintained the corporate books out of his office and understands he is the corporation's accountant. Under Rule 1.7, the lawyer may not represent a client when there is a concurrent conflict of interest and believes there needs to be independent counsel for the corporation. Mr. Scroggins stated there was no controlling Nevada law saying that someone in his position should not be allowed to represent the corporation under the circumstances in this case. It makes sense for him to represent the corporation because he has done work on behalf of the trust and has some familiarity with the company, noting he was completely independent from Mr. Whipple and has his own company. The issue is should he be allowed to represent the corporation under these circumstances. Colloquy between Court and Mr. Scroggins regarding relationship to Justice Law Center and the corporation. Mr. Whipple argued in opposition and stated all the requirements of Rule 1.7 have been satisfied. This has gone on several years without any issue. There has to be a concurrent conflict and other than Ms. Perkins saying something exists she has never identified what a concurrent conflict would be between his brothers and sisters. Colloquy between Court and Mr. Whipple regarding representation/relationship of the company and fraud allegations. Upon Court's inquiry, Mr. Whipple stated the Secretary of State has not yet been notified of his resignation. Additionally, he has never made a management decision without conducting a meeting. Following further argument, Court advised this was a Motion to Disqualify Mr. Whipple for all Defendants; it did not address Mr. Scroggins so it will not expand the Motion to include Mr. Scroggins today. With regards to Brett Whipple, Court believes there is an inherent problem in him representing the company in any capacity. Court advised it was going to give Mr. Whipple a chance to substitute out of the case, and if he does not by the time an order is presented then the order would be to disqualify Mr. Whipple. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE, any requirement for Mr. Whipple to stop representing the other directors. Court believes, given the fact that Mr. Whipple has maintained the books and represented the company, Court believes Plaintiffs may be able to, after some discovery, develop facts to indicate that some of the other shareholders might have the right to make cross claims against him. If they do that that would trigger the Court to reconsider whether or not Mr. Whipple can represent them. Ms. Perkins to prepare the Order, have Mr. Whipple and Mr. Scroggins review as to form and content. ;*

Matter Continued;  
Granted in Part;

01/27/2021



**All Pending Motions** (9:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;  
Journal Entry Details:

*Appearances made via the BlueJeans Videoconferencing Application. MOTION TO STRIKE PLAINTIFF'S REQUEST TO TRANSFER TO BUSINESS COURT Arguments by Mr. Whipple and Ms. Perkins regarding the merits of and opposition to the motion. Court stated its findings, noting it is overruling the objection and ORDERED, Motion to Strike Plaintiff's Request to Transfer to Business Court DENIED. Ms. Perkins to prepare the order and submit it to opposing counsel for approval as to form. BETSY WHIPPLE'S MOTION TO DISQUALIFY, BRET O. WHIPPLE AS COUNSEL FOR DEFENDANTS Court noted it had another hearing coming up. Colloquy regarding continuing matter to later in the afternoon or to the next day. COURT ORDERED, Betsy Whipple's Motion to Disqualify Bret O. Whipple as Counsel for Defendants CONTINUED to January 28, 2021 at 1:15 p.m. CONTINUED to: 1/28/2021 1:15 PM BETSY WHIPPLE'S MOTION TO DISQUALIFY, BRET O. WHIPPLE AS COUNSEL FOR*

# CASE SUMMARY

CASE NO. A-19-790929-B

DEFENDANTS;

02/23/2021



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held;

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on February 25, 2021, at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/23/2021 ;*

02/25/2021



**Mandatory Rule 16 Conference (9:30 AM)** (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*All appearances made via the BlueJeans Videoconferencing application. Court stated Defendant's motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of Motion to Reconsider Order Denying Motion to Change Venue had been filed just a few days ago and Court would not be considering it today. Colloquy regarding time needed for discovery. Court stated discovery cut-off would be set February 25, 2022. Court further stated it would issue the scheduling order setting trial and the appearance of counsel satisfied the rule 16 requirement.;*

03/03/2021



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held;

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on March 4, 2021, at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system*

**CASE SUMMARY****CASE NO. A-19-790929-B**

before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/3/2021 ;

03/04/2021

**Motion for Preliminary Injunction (10:00 AM)** (Judicial Officer: Allf, Nancy)

*Plaintiff's Motion for Preliminary Injunction on Order Shortening Time*

Granted in Part;

Journal Entry Details:

*All appearances made via the BlueJeans Videoconferencing Application Arguments by Ms. Perkins and Mr. Whipple regarding the merits of and opposition to the motion. Mr. Scroggins stated he has recently entered the case, he has not had the opportunity to go over the books with his client or to address the pleadings on the issue, and he cannot factually address the Plaintiff's arguments today. Court stated its findings and ORDERED, Plaintiff's Motion for Preliminary Injunction on Order Shortening Time GRANTED IN PART, DENIED IN PART, Court is not enjoining the company from having an annual meeting, Betsy Whipple will have access to the quick books, motion GRANTED as to all financial records outlined in exhibits 1 and 2 of the original motion, and if the documents do not exist at this time but are created, they will need to be provided. COURT FURTHER ORDERED, bond SET in the amount of \$1,000.00. Colloquy regarding time frame for production, upcoming motions, and initial disclosures. Upon the stipulation of all parties, COURT ORDERED, Defendant's Motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of Motion to Reconsider Order Denying Motion to Change Venue set on April 7, 2021 VACATED.;*

03/09/2021

**CANCELED Status Check (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Vacated*

*per Judge*

03/22/2021

**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

*COURT FINDS after review that on February 5, 2021 a Motion to Reconsider Order Denying to Change Venue to Lincoln County ( Motion to Reconsider ) was filed. A hearing was requested. COURT FURTHER FINDS after review that on February 22, 2021 an Opposition to the Motion to Reconsider was filed. COURT FURTHER FINDS after review that on February 24, 2021 a Joinder to the Motion to Reconsider was filed. COURT FURTHER FINDS after review that on March 2, 2021 a Reply in Support of the Motion to Reconsider was filed. The Reply stated that per the Court's docket, the Motion is presently set to be heard in chambers and that Defendants request that a hearing be scheduled where they have an opportunity to present additional evidence, and argument, pertaining to the pending motion. COURT FURTHER FINDS after review that this Motion to Reconsider was scheduled on March 9, 2021 on Chambers calendar. COURT FURTHER FINDS after review that the Joinder to the Motion to Reconsider was scheduled on March 9, 2021 on Chambers calendar. THEREFORE COURT ORDERS for good cause appearing and after review that the Motion to Reconsider and Joinder to Motion to Reconsider set on March 9, 2021 on Chambers calendar are hereby VACATED and the Motion to Reconsider and Joinder to Motion to Reconsider are hereby scheduled on Thursday, April 8, 2021 at 11:00 a.m. on Motions calendar. A BlueJeans link will be sent to all parties prior to the scheduled hearing. THEREFORE COURT FURTHER ORDERS for good cause appearing that the Status Check: per judge scheduled on March 9, 2021 on Chambers calendar is hereby VACATED. CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 3/22/21 gs;*

04/07/2021

**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on April 8, 2021, at 11:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing*

# CASE SUMMARY

CASE NO. A-19-790929-B

system. You have the choice to appear either by phone or computer/video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. Courtroom 3A can accommodate capacity of 9 people in total. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/7/2021;

04/07/2021	<p><b>CANCELED Motion to Stay</b> (9:30 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>Vacated - per Stipulation</i></p> <p><i>Defendants' Motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of Motion to Reconsider Order Denying Motion to Change Venue</i></p>
04/14/2021	<p><b>Motion to Reconsider</b> (3:00 AM) (Judicial Officer: Escobar, Adriana)</p> <p><i>Defendant's Motion to Reconsider Order Denying Motion to Change Venue to Lincoln County</i></p> <p>Denied;</p>
04/14/2021	<p><b>Joinder</b> (3:00 AM) (Judicial Officer: Escobar, Adriana)</p> <p><i>Defendant Whipple Cattle Company, Inc.'s Joinder to Defendants' Motion to Reconsider Order Denying Motion to Change Venue</i></p> <p>Denied;</p>
04/14/2021	<p> <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Escobar, Adriana)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>Defendant Whipple Cattle Company, Inc.'s Joinder to Defendants' Motion to Reconsider Order Denying Motion to Change Venue Defendants' Motion to Reconsider Order Denying Motion to Change Venue Defendants Bret O. Whipple, Cody K. Whipple, Kirk R. Whipple, Jane E. Whipple, Jane Whipple Family Trust, Kent Whipple Ranch, LLC, and Kathryn Wetzel's Motion to Reconsider Order Denying Renewed Motion to Change Venue to Lincoln County (Motion) and Defendant Whipple Cattle Company's Joinder (Joinder) was scheduled for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on April 15, 2021. Pursuant to Administrative Order 21-03 and preceding administrative orders, this matter may be decided after a hearing, decided on the pleadings, or continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings when possible, this Court has determined that it would be appropriate to decide this matter based on the pleadings submitted. Upon thorough review of the pleadings, this Court issues the following order: Leave for reconsideration of motions is within this Court's discretion under EDCR 2.24. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry &amp; Tile Contractors v. Jolley, Urga &amp; Wirth, 113 Nev. 737, 741 (1997). Defendants seek reconsider of this Court's January 27, 2021, Order Granting Plaintiff's Motion for Reconsideration, which maintains venue in Clark County. Defendants primarily seek reconsideration on the ground of new factual information and evidence. Specifically, Defendants argue they have obtained additional and more specific evidence, which shows that the change of venue to Lincoln County is warranted. This Court disagrees. This new evidence is primarily in the form of detailed affidavits from numerous witnesses Defendants expect to testify in this case. The information</i></p>



# CASE SUMMARY

CASE NO. A-19-790929-B

set forth in the affidavits was available when Defendants filed their Renewed Motion to Change Venue on August 27, 2019. And this evidence was certainly available to Defendants prior to this Court ruling on Plaintiff's Motion for Reconsideration in January 2021. At no time prior to the Court's ruling did Defendants seek to file an amended or supplemental pleading to include this additional evidence. Evidence is not newly discovery if it was in party's possession at the time the Court ruled on a matter (here, the Renewed Motion to Change Venue and the Motion for Reconsideration). See *Bank of New York Mellon as Tr. of Registered Holders of Alternative Loan Tr. 2006-OC6, Mortg. Pass-through Certificates Series 2006-OC6 v. Holm Int'l Properties, LLC*, 2021 WL 977698 at \*3 (Nev. App. 2021); *Pitzel v. Software Dev. & Inv. of Nevada*, 2008 WL 6124816 at \*3 (Nev. 2008). Additionally, this Court's ruling that NRS 13.040 applies over NRS 13.010 was not clearly erroneous. Accordingly, this Court DENIES Defendants Motion and Joinder. Counsel for Plaintiff is directed to prepare a proposed order that incorporates the substance of this minute order. Defendants must approve as to form and content. Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4). All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. ;

04/23/2021



## **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held;

Journal Entry Details:

*Department 27 Information to Appear Telephonically Re: Matter set on April 28, 2021, 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. Courtroom 3A can accommodate capacity of 9 people in total. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/23/2021 ;*

04/28/2021

## **Motion for Attorney Fees (9:30 AM)** (Judicial Officer: Allf, Nancy)

*Betsy L. Whipple's Motion for Attorneys' Fees Associated With Bringing Motion to Disqualify Bret O. Whipple*  
Granted;

04/28/2021



## **Joinder (9:30 AM)** (Judicial Officer: Allf, Nancy)

*Defendants' Joinder to WCC's Opposition to Motion for Attorney's Fees*

Matter Heard;

Journal Entry Details:

**BETSY L. WHIPPLE'S MOTION FOR ATTORNEYS' FEES ASSOCIATED WITH BRING MOTION TO DISQUALIFY BRET O. WHIPPLE...DEFENDANTS' JOINDER TO WCC'S**

# CASE SUMMARY

CASE NO. A-19-790929-B

*OPPOSITION TO MOTION FOR ATTORNEY'S FEES Present in Courtroom: C. Benjamin Scroggins, Esq, Bret O. Whipple, Esq. Present via BlueJeans Videoconferencing Application: Cami M. Perkins Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings, noting that Mr. Bret O. Whipple did not act in a vexatious way, but that it was necessary for the motion to be filed and ORDERED, Betsy L. Whipple's Motion for Attorneys' Fees Associated With Bringing Motion to Disqualify Bret O. Whipple GRANTED; the sanction will be solely against Whipple Cattle Company, the amount will be reduced by 40%, the company will not do a capital call to require Plaintiff to pay any part of that. COURT FURTHER ORDERED, the issue as to the amount of fees will be taken under submission to be filled in by the Court when it reviews and approves the order. Colloquy regarding how to present the attorney/client privilege fees to the Court. Ms. Perkins stated she could submit the billing statements to the Court sealed. Mr. Scroggins stated he did not have an issues with that. Ms. Perkins to prepare the order.;*

04/28/2021



**All Pending Motions (9:30 AM)** (Judicial Officer: Allf, Nancy)  
Matter Heard;

05/21/2021



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Information to Appear Telephonically Re: Matter set on May 27, 2021, 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/21/2021. ;*

05/27/2021

**Motion to Disqualify Attorney (10:00 AM)** (Judicial Officer: Allf, Nancy)

*Betsy L. Whipple's Motion to Disqualify Benjamin Scroggins as Counsel for Whipple Cattle Company, Inc.*

06/30/2021

**Motion to Stay (9:30 AM)** (Judicial Officer: Allf, Nancy)

*Defendants Motion to Stay Proceeding Pending Appeal*

03/24/2022

**Status Check (9:30 AM)** (Judicial Officer: Allf, Nancy)

*TRIAL READINESS*

05/19/2022

**Calendar Call (10:30 AM)** (Judicial Officer: Allf, Nancy)

**CASE SUMMARY****CASE NO. A-19-790929-B**05/23/2022 | **Bench Trial** (10:30 AM) (Judicial Officer: Allf, Nancy) |**DATE****FINANCIAL INFORMATION****Counter Claimant** Whipple Cattle Company, Inc.

Total Charges 24.00

Total Payments and Credits 24.00

**Balance Due as of 5/26/2021 0.00****Counter Claimant** Whipple, Bret O

Total Charges 495.50

Total Payments and Credits 495.50

**Balance Due as of 5/26/2021 0.00****Counter Defendant** Whipple, Betsy L

Total Charges 2,007.50

Total Payments and Credits 2,007.50

**Balance Due as of 5/26/2021 0.00****Counter Defendant** Whipple, Betsy LTemporary Restraining Order Balance as of 5/26/2021 **1,000.00**

# DISTRICT COURT CIVIL COVER SHEET

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): BETSY WHIPPLE 1713 RIVER RANCH ROAD HIKO, NV 89017 702-556-1293	Defendant(s) (name/address/phone): BRET WHIPPLE, KIRT A WHIPPLE, KATHRYN WE CODY K. WHIPPLE, KATHRYN WE KENT WHIPPLE RANCH, LLC. WHIPPLE CATTLE COMPANY, INC., ET. AL
Attorney (name/address/phone): SHUMWAY VAN 8985 S. EASTERN AVENUE STE. 100 LAS VEGAS, NV 89123 702-478-7770	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 type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate (select case type and estate value)</b> <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 checked="" type="checkbox"/> Other Civil Matters

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

**March 12, 2019**

Date

*Sandi Leitner*  
Signature of initiating party or representative

*See other side for family-related case filings.*

*Howard & Howard*  
CLERK OF THE COURT

L. Christopher Rose, Esq. Nevada Bar No. 7500  
Cami M. Perkins, Esq., Nevada Bar No. 9149  
Kirill V. Mikhaylov, Esq., Nevada Bar No. 13538  
**Howard & Howard Attorneys PLLC**  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, NV 89169  
Telephone: (702) 257-1483  
Facsimile: (702) 567-1568  
E-Mail: [lcr@h2law.com](mailto:lcr@h2law.com); [cp@h2law.com](mailto:cp@h2law.com); [kdb@h2law.com](mailto:kdb@h2law.com)

*Attorneys for Plaintiff Betsy Whipple*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE CATTLE  
COMPANY, Inc., a Nevada Corporation,

Plaintiff,

vs.

BRET O. WHIPPLE, individually AND as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; CODY  
K. WHIPPLE, individually and as Treasurer of  
WHIPPLE CATTLE COMPANY, INC., a Nevada  
Corporation; KIRT R. WHIPPLE,  
individually and as Secretary of WHIPPLE  
CATTLE COMPANY, INC., a Nevada  
Corporation; JANE E. WHIPPLE, individually  
and as Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; JANE  
WHIPPLE, trustee of JANE WHIPPLE FAMILY  
TRUST and as managing member of KENT  
WHIPPLE RANCH LLC; JANE WHIPPLE  
FAMILY TRUST; KENT WHIPPLE RANCH  
LLC.; KATHRYN WETZEL, individually,  
WHIPPLE CATTLE COMPANY, INC., a Nevada  
Corporation; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

Defendants.

CASE NO.: A-19-790929-B

DEPT NO.: 27

DEPT NO.: 14 (only for limited purpose of  
this Order)

**ORDER DENYING DEFENDANTS'  
MOTION TO RECONSIDER ORDER  
DENYING MOTION TO CHANGE  
VENUE**

The matter of Defendants' BRET O. WHIPPLE, CODY K. WHIPPLE, KIRT R. WHIPPLE, JANE E. WHIPPLE, JANE WHIPPLE FAMILY TRUST, KENT WHIPPLE RANCH LLC and KATHRYN WETZEL's (the "Non-Corporate Defendants") Motion to Reconsider Order Denying Renewed Motion to Change Venue to Lincoln County (the "Motion"), which Motion was joined pursuant to a Joinder (the "Joinder") filed by Defendant WHIPPLE

CATTLE COMPANY (“WCC”) was scheduled for a hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on April 15, 2021. Pursuant to Administrative Order 21-03 and preceding administrative orders, the Motion may be decided after a hearing, decided on the pleadings, or continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings when possible, the Court determined that it would be appropriate to decide the Motion based on the pleadings submitted.

Upon review, the Court, having considered the Motion, the Joinder, the opposition, and the reply brief, and being fully apprised of the issues and good cause appearing, makes the following findings of fact, conclusions of law, and order:

**I. FINDINGS OF FACT**

***The Motion to Change Venue and the Venue Order***

1. On August 27, 2019, Defendants filed a Motion Renewed to Change Venue (the “Motion to Change Venue”), which Plaintiff Betsy Whipple (“Betsy” or “Plaintiff”) opposed.

2. On January 6, 2020, the Court entered an Order Granting Defendants’ Motion Renewed to Change Venue (the “Venue Order”).

3. The Court, in part, based the Venue Order on several declarations from Defendants which all stated, in relevant part, that (i) this matter concerns real property situated in Lincoln County, Nevada; (ii) this matter is best heard in Lincoln County based on prior litigation involving the same facts and defendants; and (iii) they wish the matter to be heard in Lincoln County, Nevada for the convenience of the witnesses and the fact the ends of justice will be promoted by the change (collectively, the “Declarations”). The Declarations also set forth the county of residency of each of the Defendants.

***Plaintiff’s Motion for Reconsideration and Granting of Same***

4. Plaintiff filed a Motion for Reconsideration of the Venue Order (“Plaintiff’s Motion for Reconsideration”), which came on for hearing before Department 14 of the Eighth Judicial District Court on January 14, 2021.

5. The Court considered Plaintiff’s Motion for Reconsideration, the opposition, reply brief, and supplemental briefing, and being fully apprised of the issues, made the following

findings of fact:

a. that upon further review of the Declarations, the Declarations did not present any factors that would establish exceptional circumstances sufficient to permit a transfer of venue from Clark County, Nevada to Lincoln County, Nevada;

b. Defendants relied on general allegations concerning inconvenience;

c. the Declarations did not provide specific information as to the number of witnesses and did not state any specific hardship as to accessing evidence; and

d. Because the Declarations and the pleadings relied on general allegations regarding inconvenience and hardship, Defendants failed to make a specific factual showing to support venue transfer. *See* Order Granting Plaintiff’s Motion for Reconsideration dated January 27, 2021 (“Order Granting Plaintiff’s Motion for Reconsideration”).

6. In the Order Granting Plaintiff’s Motion for Reconsideration, the Court made the following Conclusions of Law:

a. “A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous.” *Id.*

b. In cases other than those set forth in NRS 13.010, an “action shall be tried in the county in which the defendants, or any one of them, may reside at the commencement of the action.” NRS 13.040. *Id.*

c. The Court may, on motion or stipulation, change the place of the proceeding when the convenience of the witnesses and the ends of justice would be promoted by the change. NRS 13.050(2)(c). *Id.*

d. “[A] plaintiff’s selected forum choice may only be denied under **exceptional circumstances strongly supporting another forum.**” *Mt. View Rec., Inc., v. Imperial Commercial Cooking Equip. Co.*, 129 Nev 413, 419 (2013) (emphasis added). Furthermore, “[a] motion for change of venue based on forum non conveniens must be supported by affidavits so that the district court can assess whether there are any factors present that would establish such exceptional circumstances.” *Id.* General allegations regarding inconvenience or hardship are insufficient because a specific factual showing must be made. *Id. Masonry & Tile*



1 *Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997). *Id.*

2 e. “The doctrine [of non conveniens] involves a balancing approach using  
3 several other factors, including public and private interests, access to sources of proof, and the  
4 availability of a view of the premises, if necessary. Additional factors include the availability of  
5 compulsory process for unwilling witnesses, the cost of obtaining testimony from willing  
6 witnesses, and the enforceability of a judgment.” *Eaton v. Second Judicial Dist. Court*, 96 Nev.  
7 773, 774 (1980), *overruled on other grounds by Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222  
8 (2004). “[A]ffidavits in support of a forum non conveniens motion must be carefully examined to  
9 determine the existence of the factors mentioned above. The moving party may not rely on general  
10 allegations concerning inconvenience, a view of the premises, or hardship. A specific factual  
11 showing must be made.” *Eaton*, 96 Nev. 773, 775. *Id.*

12 f. This action is a business dispute specifically relating to the rights and  
13 interests of Plaintiff with regard to WCC, a corporation, versus a dispute over the real property  
14 owned by WCC located in Lincoln County, Nevada. Therefore, the grounds set forth in NRS  
15 13.010 do not apply. Instead, NRS 13.040 applies. At least one Defendant resided in Clark County  
16 when this action commenced. Therefore, venue was proper in Clark County under NRS 13.040.  
17 *Id.*

18 g. In the Motion to Change Venue, Defendant did not provide affidavits (or  
19 declarations) that established exceptional circumstances sufficient to warrant a change of venue  
20 from Clark County, Nevada to Lincoln County, Nevada. *Id.*

21 7. Accordingly, the Court concluded that the Venue Order was clearly erroneous and  
22 granted Plaintiff’s Motion for Reconsideration, denied Defendants’ original Renewed Motion to  
23 Change Venue, and ordered its January 6, 2020 Order Granting Defendants’ Motion to Change  
24 Venue Void. *Id.*

25 ***The Instant Motion***

26 8. The Non-Corporate Defendants filed the Motion, seeking reconsideration of the  
27 Order Granting Plaintiff’s Motion for Reconsideration, which maintains venue in Clark County,  
28 Nevada. WCC filed the Joinder.



1           9. Defendants primarily seek reconsideration of the Order Granting Plaintiff's  
2 Motion for Reconsideration on the grounds of alleged new factual information and evidence.  
3 Specifically, Defendants argue that they have obtained additional and more specific evidence,  
4 which shows that the change of venue to Lincoln County, Nevada is warranted. This "new  
5 information and evidence" is primarily in the form of detailed affidavits from numerous witnesses  
6 Defendants expect to testify in this case (the "New Affidavits").

7           10. The information and evidence set forth in the New Affidavits was available when  
8 Defendants filed their Renewed Motion to Change Venue on August 27, 2019. The information  
9 and evidence set forth in the New Affidavits was available to Defendants prior to the Court ruling  
10 on Plaintiff's Motion for Reconsideration in January of 2021. At no time prior to the Court's  
11 determination of Plaintiff's Motion for Reconsideration did Defendants seek to file an amended  
12 or supplemental pleading to include this additional information or evidence.

13           11. Defendants also seek reconsideration of the Order Granting Plaintiff's Motion for  
14 Reconsideration on the ground that they believe this action is a dispute over the real property  
15 owned by WCC located in Lincoln County and therefore NRS 13.010 applies over NRS 13.040.

## 16       **II. CONCLUSIONS OF LAW**

17           1. "A district court may reconsider a previously decided issue if substantially  
18 different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile*  
19 *Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997).

20           2. Evidence is not "newly discovered" if it was in a party's possession at the time the  
21 Court ruled on a matter. *See Bank of New York Mellon as Tr. Of Registered Holders of Alternative*  
22 *Loan Tr. 2006-OC6, Mortg. Pass-through Certificates Series 2006-OC6 v. Holm Int'l Properties,*  
23 *LLC*, 2021 WL 977698 at \*3 (Nev. App. 2021); *Pitzel v. Softward Dev. & Inv. Of Nevada*, 2008  
24 WL 6124816 at \*3 (Nev. 2008). Therefore, Defendants have not introduced substantially  
25 different evidence.

26           3. The Court's ruling that NRS 13.040 applies over NRS 13.010 was not clearly  
27 erroneous.  
28

**III. ORDER**

**IT IS HEREBY ORDERED**, that the Motion and Joinder are **DENIED**.

Dated this 9<sup>th</sup> day of April, 2021. Dated this 5th day of May, 2021

Adriana Escobar  
**DISTRICT COURT JUDGE**

**Respectfully submitted by:**

**B38 A16 D494 56BC**  
**Adriana Escobar**  
**District Court Judge**

HOWARD & HOWARD ATTORNEYS PLLC

/s/ Cami M. Perkins

L. Christopher Rose (#7500)  
Cami M. Perkins (#9149)  
Kirill V. Mikhaylov (#13538)  
3800 Howard Hughes Pkwy., Suite 1000  
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*Attorneys for Plaintiff*

**Approved as to form and content:**

**JUSTICE LAW CENTER**

**LAW OFFICE OF BENJAMIN C. SCROGGINS**

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/s/

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*Attorney for Defendant Whipple Cattle Company Incorporated*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Betsy Whipple, Plaintiff(s)

CASE NO: A-19-790929-B

7 vs.

DEPT. NO. Department 27

8 Bret Whipple, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/5/2021

15 Jeanne Metzger

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16 Bret Whipple

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18 Cami Perkins

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19 L. Christopher Rose

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20 Kirill Mikhaylov

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21 C. Scroggins

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22 Morganne Westover

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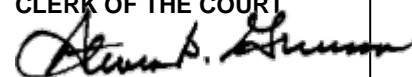
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27

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1 **NEOJ**

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3 Cami M. Perkins, Esq., Nevada Bar No. 9149  
4 Kirill V. Mikhaylov, Esq., Nevada Bar No. 13538

5 **Howard & Howard Attorneys PLLC**

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11 *Attorneys for Plaintiff Betsy Whipple*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 BETSY L. WHIPPLE, individually and as  
15 shareholder of WHIPPLE CATTLE  
16 COMPANY, Inc., a Nevada Corporation,

17 Plaintiff,

18 vs.

19 BRET O. WHIPPLE, individually AND as  
20 President and Director of WHIPPLE CATTLE  
21 COMPANY, INC., a Nevada Corporation;  
22 CODY K. WHIPPLE, individually and as  
23 Treasurer of WHIPPLE CATTLE COMPANY,  
24 INC., a Nevada Corporation; KIRT R. WHIPPLE,  
25 individually and as Secretary of WHIPPLE  
26 CATTLE COMPANY, INC., a Nevada  
27 Corporation; JANE E. WHIPPLE, individually  
and as Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; JANE  
WHIPPLE, trustee of JANE WHIPPLE FAMILY  
TRUST and as managing member of KENT  
WHIPPLE RANCH LLC; JANE WHIPPLE  
FAMILY TRUST; KENT WHIPPLE RANCH  
LLC.; KATHRYN WETZEL, individually,  
WHIPPLE CATTLE COMPANY, INC., a  
Nevada Corporation; DOE INDIVIDUALS I  
through X; and ROE CORPORATIONS I through  
X,

Defendants.

CASE NO.: A-19-790929-B

DEPT NO.: 27

**NOTICE OF ENTRY OF ORDER**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion to Reconsider  
2 Order Denying Motion to Change Venue was filed in the above-captioned matter on the 5<sup>th</sup> day  
3 of May 2021, a copy of which is attached hereto.

4 DATED: May 5, 2021.

5 HOWARD & HOWARD ATTORNEYS PLLC

6  
7 By: /s/ Cami M. Perkins  
8 L. Chris Rose, Nevada Bar No. 7500  
9 Cami M. Perkins, Nevada Bar No. 9149  
10 Kirill V. Mikhaylov, Nevada Bar No. 13538

11 *Attorneys for Plaintiff Betsy Whipple*  
12  
13  
14  
15  
16  
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27

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **NOTICE OF ENTRY OF ORDER** in this action electronically via the Odyssey E-File and Serve System, which will cause this document to be served upon the following counsel of record:

Bret O. Whipple, Esq.  
1100 South Tenth Street  
Las Vegas, Nevada 89104

Benjamin C. Scroggins, Esq.  
629 S. Casino Center Blvd., Suite 5  
Las Vegas, Nevada 89101

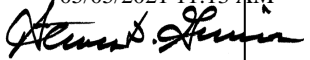
*Attorneys for Defendants Bret O. Whipple,  
Cody K. Whipple, Kirt R. Whipple, Jane E.  
Whipple, Jane Whipple Family Trust, Kent  
Whipple Ranch, LLC, and Kathryn Wetzel*

*Attorney for Defendant Whipple Cattle  
Company Incorporated*

DATED: May 5, 2021.

/s/ Morganne Westover

An employee of Howard & Howard Attorneys PLLC

  
CLERK OF THE COURT

L. Christopher Rose, Esq. Nevada Bar No. 7500  
Cami M. Perkins, Esq., Nevada Bar No. 9149  
Kirill V. Mikhaylov, Esq., Nevada Bar No. 13538  
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*Attorneys for Plaintiff Betsy Whipple*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE CATTLE  
COMPANY, Inc., a Nevada Corporation,

Plaintiff,

vs.

BRET O. WHIPPLE, individually AND as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; CODY  
K. WHIPPLE, individually and as Treasurer of  
WHIPPLE CATTLE COMPANY, INC., a Nevada  
Corporation; KIRT R. WHIPPLE,  
individually and as Secretary of WHIPPLE  
CATTLE COMPANY, INC., a Nevada  
Corporation; JANE E. WHIPPLE, individually  
and as Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; JANE  
WHIPPLE, trustee of JANE WHIPPLE FAMILY  
TRUST and as managing member of KENT  
WHIPPLE RANCH LLC; JANE WHIPPLE  
FAMILY TRUST; KENT WHIPPLE RANCH  
LLC.; KATHRYN WETZEL, individually,  
WHIPPLE CATTLE COMPANY, INC., a Nevada  
Corporation; DOE INDIVIDUALS I through X;  
and ROE CORPORATIONS I through X,

Defendants.

CASE NO.: A-19-790929-B  
DEPT NO.: 27

DEPT NO.: 14 (only for limited purpose of  
this Order)

**ORDER DENYING DEFENDANTS'  
MOTION TO RECONSIDER ORDER  
DENYING MOTION TO CHANGE  
VENUE**

The matter of Defendants' BRET O. WHIPPLE, CODY K. WHIPPLE, KIRT R. WHIPPLE, JANE E. WHIPPLE, JANE WHIPPLE FAMILY TRUST, KENT WHIPPLE RANCH LLC and KATHRYN WETZEL's (the "Non-Corporate Defendants") Motion to Reconsider Order Denying Renewed Motion to Change Venue to Lincoln County (the "Motion"), which Motion was joined pursuant to a Joinder (the "Joinder") filed by Defendant WHIPPLE

CATTLE COMPANY (“WCC”) was scheduled for a hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on April 15, 2021. Pursuant to Administrative Order 21-03 and preceding administrative orders, the Motion may be decided after a hearing, decided on the pleadings, or continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings when possible, the Court determined that it would be appropriate to decide the Motion based on the pleadings submitted.

Upon review, the Court, having considered the Motion, the Joinder, the opposition, and the reply brief, and being fully apprised of the issues and good cause appearing, makes the following findings of fact, conclusions of law, and order:

**I. FINDINGS OF FACT**

***The Motion to Change Venue and the Venue Order***

1. On August 27, 2019, Defendants filed a Motion Renewed to Change Venue (the “Motion to Change Venue”), which Plaintiff Betsy Whipple (“Betsy” or “Plaintiff”) opposed.

2. On January 6, 2020, the Court entered an Order Granting Defendants’ Motion Renewed to Change Venue (the “Venue Order”).

3. The Court, in part, based the Venue Order on several declarations from Defendants which all stated, in relevant part, that (i) this matter concerns real property situated in Lincoln County, Nevada; (ii) this matter is best heard in Lincoln County based on prior litigation involving the same facts and defendants; and (iii) they wish the matter to be heard in Lincoln County, Nevada for the convenience of the witnesses and the fact the ends of justice will be promoted by the change (collectively, the “Declarations”). The Declarations also set forth the county of residency of each of the Defendants.

***Plaintiff’s Motion for Reconsideration and Granting of Same***

4. Plaintiff filed a Motion for Reconsideration of the Venue Order (“Plaintiff’s Motion for Reconsideration”), which came on for hearing before Department 14 of the Eighth Judicial District Court on January 14, 2021.

5. The Court considered Plaintiff’s Motion for Reconsideration, the opposition, reply brief, and supplemental briefing, and being fully apprised of the issues, made the following



findings of fact:

a. that upon further review of the Declarations, the Declarations did not present any factors that would establish exceptional circumstances sufficient to permit a transfer of venue from Clark County, Nevada to Lincoln County, Nevada;

b. Defendants relied on general allegations concerning inconvenience;

c. the Declarations did not provide specific information as to the number of witnesses and did not state any specific hardship as to accessing evidence; and

d. Because the Declarations and the pleadings relied on general allegations regarding inconvenience and hardship, Defendants failed to make a specific factual showing to support venue transfer. *See* Order Granting Plaintiff’s Motion for Reconsideration dated January 27, 2021 (“Order Granting Plaintiff’s Motion for Reconsideration”).

6. In the Order Granting Plaintiff’s Motion for Reconsideration, the Court made the following Conclusions of Law:

a. “A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous.” *Id.*

b. In cases other than those set forth in NRS 13.010, an “action shall be tried in the county in which the defendants, or any one of them, may reside at the commencement of the action.” NRS 13.040. *Id.*

c. The Court may, on motion or stipulation, change the place of the proceeding when the convenience of the witnesses and the ends of justice would be promoted by the change. NRS 13.050(2)(c). *Id.*

d. “[A] plaintiff’s selected forum choice may only be denied under **exceptional circumstances strongly supporting another forum.**” *Mt. View Rec., Inc., v. Imperial Commercial Cooking Equip. Co.*, 129 Nev 413, 419 (2013) (emphasis added). Furthermore, “[a] motion for change of venue based on forum non conveniens must be supported by affidavits so that the district court can assess whether there are any factors present that would establish such exceptional circumstances.” *Id.* General allegations regarding inconvenience or hardship are insufficient because a specific factual showing must be made. *Id. Masonry & Tile*

1 *Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997). *Id.*

2 e. “The doctrine [of non conveniens] involves a balancing approach using  
3 several other factors, including public and private interests, access to sources of proof, and the  
4 availability of a view of the premises, if necessary. Additional factors include the availability of  
5 compulsory process for unwilling witnesses, the cost of obtaining testimony from willing  
6 witnesses, and the enforceability of a judgment.” *Eaton v. Second Judicial Dist. Court*, 96 Nev.  
7 773, 774 (1980), *overruled on other grounds by Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222  
8 (2004). “[A]ffidavits in support of a forum non conveniens motion must be carefully examined to  
9 determine the existence of the factors mentioned above. The moving party may not rely on general  
10 allegations concerning inconvenience, a view of the premises, or hardship. A specific factual  
11 showing must be made.” *Eaton*, 96 Nev. 773, 775. *Id.*

12 f. This action is a business dispute specifically relating to the rights and  
13 interests of Plaintiff with regard to WCC, a corporation, versus a dispute over the real property  
14 owned by WCC located in Lincoln County, Nevada. Therefore, the grounds set forth in NRS  
15 13.010 do not apply. Instead, NRS 13.040 applies. At least one Defendant resided in Clark County  
16 when this action commenced. Therefore, venue was proper in Clark County under NRS 13.040.  
17 *Id.*

18 g. In the Motion to Change Venue, Defendant did not provide affidavits (or  
19 declarations) that established exceptional circumstances sufficient to warrant a change of venue  
20 from Clark County, Nevada to Lincoln County, Nevada. *Id.*

21 7. Accordingly, the Court concluded that the Venue Order was clearly erroneous and  
22 granted Plaintiff’s Motion for Reconsideration, denied Defendants’ original Renewed Motion to  
23 Change Venue, and ordered its January 6, 2020 Order Granting Defendants’ Motion to Change  
24 Venue Void. *Id.*

25 ***The Instant Motion***

26 8. The Non-Corporate Defendants filed the Motion, seeking reconsideration of the  
27 Order Granting Plaintiff’s Motion for Reconsideration, which maintains venue in Clark County,  
28 Nevada. WCC filed the Joinder.

1           9. Defendants primarily seek reconsideration of the Order Granting Plaintiff's  
2 Motion for Reconsideration on the grounds of alleged new factual information and evidence.  
3 Specifically, Defendants argue that they have obtained additional and more specific evidence,  
4 which shows that the change of venue to Lincoln County, Nevada is warranted. This "new  
5 information and evidence" is primarily in the form of detailed affidavits from numerous witnesses  
6 Defendants expect to testify in this case (the "New Affidavits").

7           10. The information and evidence set forth in the New Affidavits was available when  
8 Defendants filed their Renewed Motion to Change Venue on August 27, 2019. The information  
9 and evidence set forth in the New Affidavits was available to Defendants prior to the Court ruling  
10 on Plaintiff's Motion for Reconsideration in January of 2021. At no time prior to the Court's  
11 determination of Plaintiff's Motion for Reconsideration did Defendants seek to file an amended  
12 or supplemental pleading to include this additional information or evidence.

13           11. Defendants also seek reconsideration of the Order Granting Plaintiff's Motion for  
14 Reconsideration on the ground that they believe this action is a dispute over the real property  
15 owned by WCC located in Lincoln County and therefore NRS 13.010 applies over NRS 13.040.

## 16           **II. CONCLUSIONS OF LAW**

17           1. "A district court may reconsider a previously decided issue if substantially  
18 different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile*  
19 *Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997).

20           2. Evidence is not "newly discovered" if it was in a party's possession at the time the  
21 Court ruled on a matter. *See Bank of New York Mellon as Tr. Of Registered Holders of Alternative*  
22 *Loan Tr. 2006-OC6, Mortg. Pass-through Certificates Series 2006-OC6 v. Holm Int'l Properties,*  
23 *LLC*, 2021 WL 977698 at \*3 (Nev. App. 2021); *Pitzel v. Softward Dev. & Inv. Of Nevada*, 2008  
24 WL 6124816 at \*3 (Nev. 2008). Therefore, Defendants have not introduced substantially  
25 different evidence.

26           3. The Court's ruling that NRS 13.040 applies over NRS 13.010 was not clearly  
27 erroneous.  
28

**III. ORDER**

**IT IS HEREBY ORDERED**, that the Motion and Joinder are **DENIED**.

Dated this 9<sup>th</sup> day of April, 2021. Dated this 5th day of May, 2021

Adriana Escobar  
**DISTRICT COURT JUDGE**

**Respectfully submitted by:**

**B38 A16 D494 56BC  
Adriana Escobar  
District Court Judge**

HOWARD & HOWARD ATTORNEYS PLLC

/s/ Cami M. Perkins

L. Christopher Rose (#7500)  
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Las Vegas, NV 89169

*Attorneys for Plaintiff*

**Approved as to form and content:**

**JUSTICE LAW CENTER**

**LAW OFFICE OF BENJAMIN C.  
SCROGGINS**

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Cody K. Whipple, Kirt R. Whipple, Jane E.  
Whipple, Jane Whipple Family Trust, Kent  
Whipple Ranch, LLC, and Kathryn Wetzel*

*Attorney for Defendant Whipple Cattle  
Company Incorporated*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Betsy Whipple, Plaintiff(s)

CASE NO: A-19-790929-B

7 vs.

DEPT. NO. Department 27

8 Bret Whipple, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/5/2021

15 Jeanne Metzger

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22 Morganne Westover

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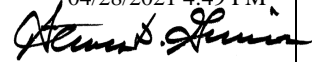
24

25

26

27

28

  
CLERK OF THE COURT

**ORDR**

L. Christopher Rose, Esq. Nevada Bar No. 7500  
Cami M. Perkins, Esq., Nevada Bar No. 9149  
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*Attorneys for Plaintiff Betsy Whipple*

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

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE CATTLE  
COMPANY, Inc., a Nevada Corporation,

Plaintiff,

vs.

BRET O. WHIPPLE, individually AND as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation;  
CODY K. WHIPPLE, individually and as  
Treasurer of WHIPPLE CATTLE COMPANY,  
INC., a Nevada Corporation; KIRT R.  
WHIPPLE,  
individually and as Secretary of WHIPPLE  
CATTLE COMPANY, INC., a Nevada  
Corporation; JANE E. WHIPPLE, individually  
and as Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; JANE  
WHIPPLE, trustee of JANE WHIPPLE  
FAMILY TRUST and as managing member of  
KENT WHIPPLE RANCH LLC; JANE  
WHIPPLE FAMILY TRUST; KENT WHIPPLE  
RANCH LLC.; KATHRYN WETZEL,  
individually, WHIPPLE CATTLE COMPANY,  
INC., a Nevada Corporation; DOE  
INDIVIDUALS I through X; and ROE  
CORPORATIONS I through X,

Defendants.

CASE NO.: A-19-790929-B  
DEPT NO.: 27

**ORDER DENYING DEFENDANTS'  
MOTION TO STRIKE REQUEST TO  
TRANSFER TO BUSINESS COURT**

**Howard & Howard Attorneys PLLC**  
3800 Howard Hughes Pkwy., Ste. 1000  
Las Vegas, NV 89169  
(702) 257-1483

1 Defendants' Motion to Strike Plaintiff's Request to Transfer to Business Court, (the "Motion to  
2 Strike") came on for hearing before the Honorable Nancy L. Alf on the 27<sup>th</sup> day of January 2021  
3 at 9:30 a.m. Defendants appeared through their attorneys, Bret O. Whipple, Esq., of Justice Law  
4 Center and Benjamin C. Scroggins, Esq., of the Law Firm of Benjamin C. Scroggins, and Plaintiff  
5 Betsy L. Whipple ("Plaintiff") appeared through her attorney, Cami M. Perkins, Esq., of Howard  
6 & Howard Attorneys PLLC. The Court, having considered the Motion to Strike, the respective  
7 oppositions and replies thereto, having considered the oral arguments by counsel, and having  
8 reviewed the other pleadings and papers on file herein, finds, concludes, and orders as follows:

9 **I. FINDINGS OF FACT**

10 **A. Procedural Background**

11 1. On March 12, 2019, Plaintiff filed her Complaint against Defendants. For reasons  
12 unknown, Plaintiff's former counsel inadvertently did not file this matter in business court.

13 2. Defaults were entered against Defendants for failing to answer Plaintiff's  
14 Complaint. The Defaults were later set aside after Defendants prevailed on their Motion to Set  
15 Aside the Default Judgments filed on May 1, 2019.

16 3. On April 17, 2019, Defendants filed their Motion to Change Venue seeking to  
17 have this matter transferred to Lincoln County, Nevada.

18 4. On January 6, 2020, the Court granted the Motion to Change Venue. *See* Order  
19 Granting Motion, on file herein.

20 5. Plaintiff respectfully disagreed with the Court's decision on the Motion to Change  
21 Venue and filed a Motion to Reconsider the Court's Order on January 16, 2020. *See* Motion to  
22 Reconsider, on file herein. Plaintiff also simultaneously filed a Motion to Stay Venue Change  
23 Pending Motion for Reconsideration. *See* Motion to Stay, on file herein.

24 6. After filing the Motion for Reconsideration and the Motion to Stay, but before  
25 either were heard, on February 12, 2020, former counsel for Plaintiff filed a Notice of Appeal,  
26 which caused the Court to vacate the hearings on the Motion for Reconsideration and the Motion  
27 to Stay Venue.



1           7.       Approximately four (4) months later, the Nevada Supreme Court assigned the  
2 appeal to the Nevada Court of Appeals. *See* Nevada Supreme Court docket, Case No. 80558.  
3 Almost four (4) months after the appeal was assigned to the Nevada Court of Appeals, the Nevada  
4 Court of Appeals ordered Plaintiff/Appellant to show cause why the appeal should not be  
5 dismissed for lack of jurisdiction due to the pending Motion for Reconsideration before the Court,  
6 which the filing of may have tolled the time-frame in which to file a Notice of Appeal. *See*  
7 Nevada Court of Appeals docket, Case No. 80558-COA.

8           8.       On November 25, 2020, new counsel for Plaintiff substituted as counsel for  
9 Plaintiff's former counsel in this case. Upon review of Plaintiff's Complaint and Defendants'  
10 Answer and Counterclaim, and the issues presented therein, it was clear that the primary claims  
11 and issues in this matter will require decisions under NRS 78 or will relate to business torts.

12           9.       On November 25, 2020, Plaintiff filed a request that this matter be assigned as a  
13 business matter in a business court setting. *See* Request to Transfer to Business Court, on file  
14 herein. In response, Defendants filed a Motion to Strike on November 30, 2020.

15           10.      On December 8, 2020, this matter was transferred by the Clerk of the Court from  
16 Department 14 to business court Department 27. *See* Notice of Department Reassignment, on  
17 file herein.

18           11.      Plaintiff filed her Opposition to the Motion to Strike on December 14, 2020 and  
19 the Motion to Strike came on before the Court for oral argument on January 27, 2021 at 9:30 a.m.

20           **B.       Substantive Findings**

21           12.      This is a shareholder dispute involving a Nevada corporation requiring numerous  
22 decisions under NRS Chapter 78 and the claims at issue arise from business torts. *See* Complaint,  
23 filed herein on March 12, 2019.

24           13.      In the Complaint, Plaintiff alleges the following causes of action/requests for  
25 relief against Defendants: (1) injunctive relief to prevent transfer of cattle and for return of cattle;  
26 (2) injunctive relief to prevent building of cabins on WCC property without shareholder consent  
27 as required by the bylaws; (3) injunctive relief to prevent mobile home development on WCC

property without shareholder consent as required by the bylaws; (4) injunctive relief to prevent Defendant Kathryn Wetzel from developing and/or moving on to WCC property; (5) breach of fiduciary duty as to annual documents; (6) breach of fiduciary duty as to corporate documents; (7) breach of fiduciary duty as to certificates for shares; (8) breach of fiduciary duty as to K-1 statements; (9) conversion; (10) fraud; and (11) unjust enrichment. *See* Complaint, filed herein on March 12, 2019.

14. The matters at issue therefore fall directly under the purview of EDCR 1.61(a)(1), 1.61(a)(2)(ii) and (iii).

## II. CONCLUSIONS OF LAW

15. EDCR 1.6(c)(3) is unambiguous, and provides:

(3) Any party aggrieved by designation of a case as a business matter may seek review by the business court judge within ten (10) days of receipt of the assignment of the case to a business court judge or within ten (10) days of filing a responsive pleading, whichever is later.

(4) The business court judge shall decide whether a case is or is not a business matter and that decision shall not be appealable or reviewable by writ. Any matter not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court judge. If a case was submitted to the business court judge to determine whether it is a business matter and the business court judge rules that it is not, that case will be remanded to the department from which it came.

16. EDCR 1.61 is similarly unambiguous, and provides:

(a) **Business matters defined.** “Business matters” shall be:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS Chapters 78-92A or other similar statutes from other jurisdictions, without regard to the amount in controversy;

(2) Any of the following:

(i) Claims or cases arising under the Uniform Commercial Code, or as to which the Code will supply the rule of decision;

(ii) Claims arising from business torts;

(iii) Claims arising from the purchase or sale of (A) the stock of a business, (B) all or substantially all of the assets of a business, or (C) commercial real estate; or

(iv) Business franchise transactions and relationships.

17. Neither EDCR 1.6 nor 1.61 place any deadline when a matter can be transferred to business court.

18. The Court rejects Defendants' argument that this Court does not have jurisdiction to hear this matter.

19. As set forth in EDCR 1.61(a)(1), 1.61(a)(2)(ii) and (iii) and demonstrated by the pleadings on file, this case is a business matter and this matter was properly transferred to business court in accordance with the applicable rules.

20. Based on the causes of action contained in Plaintiff's Complaint, this matter deals primarily with business matters, as defined in EDCR1.61. *See* Complaint, filed herein on March 12, 2019.

21. If any conclusion of law is more properly a finding of fact, it shall be so deemed.

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**III. ORDER**

**IT IS HEREBY ORDERED THAT** Defendants' Motion to Strike Plaintiff's Request to Transfer to Business Court be, and hereby is, denied.

ISSUED this 28 day of April, 2021.  
Dated this 28th day of April, 2021

Nancy L Allf  
DISTRICT COURT JUDGE

NB

**Respectfully submitted by:**

**74A 75D 1ED2 FFD9  
Nancy Allf  
District Court Judge**

HOWARD & HOWARD ATTORNEYS PLLC

/s/ Cami M. Perkins  
L. Christopher Rose (#7500)  
Cami M. Perkins (#9149)  
Kirill V. Mikhaylov (#13538)  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
*Attorneys for Plaintiff*

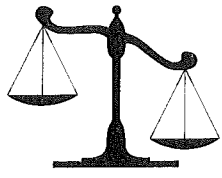
**Approved as to form and content:**

**JUSTICE LAW CENTER**

**LAW OFFICE OF BENJAMIN C. SCROGGINS**

/s/ Bret O. Whipple  
Bret O. Whipple, Esq., Nevada Bar No. 6168  
1100 South Tenth Street  
Las Vegas, Nevada 89104  
*Attorneys for Defendants Bret O. Whipple,  
Cody K. Whipple, Kirt R. Whipple, Jane E.  
Whipple, Jane Whipple Family Trust, Kent  
Whipple Ranch, LLC, and Kathryn Wetzel*

/s/  
Benjamin C. Scroggins, Esq., Nevada Bar No. 7902  
629 S. Casino Center Blvd., Suite 5  
Las Vegas, Nevada 89101  
*Attorney for Defendant Whipple Cattle  
Company Incorporated*



# JUSTICE LAW CENTER

1100 S. 10th Street, Las Vegas, Nevada 89104  
T: (702) 731-0000 F: (702) 974-4008  
bretwhipple@gmail.com

---

April 28, 2021

To: Cami Perkins, Esq.  
Counsel for Betsy Whipple

Ben Sroggins, Esq.  
Counsel for Whipple Cattle Company

**Re: Proposed Orders E-mailed on April 26, 2021.**

In regards to the Proposed Order Denying Defendants' Motion to Strike Request to Transfer to Business Court, the non-Corporation Defendants have no objection.

In regards to the Proposed Order Denying the Motion to Reconsider Order Denying Change of Venue, the non-Corporation Defendants have one objection as follows: Paragraph 3 under Conclusions of Law, we believe the first sentence should be stricken, such that Paragraph 3 begins with "Therefore, the Court's ruling." Our review of the minutes does not indicate that the court made any finding that "this action is a business dispute" as it relates to NRS 13.040 and/or NRS 13.010 and we object on that basis.

SINCERELY,

A handwritten signature in black ink, appearing to read "Bret O. Whipple", is written over a horizontal line.

BRET O. WHIPPLE, ESQ.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Betsy Whipple, Plaintiff(s)

CASE NO: A-19-790929-B

7 vs.

DEPT. NO. Department 27

8 Bret Whipple, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/28/2021

15 Jeanne Metzger

jeannem@justice-law-center.com

16 Bret Whipple

admin@justice-law-center.com

17 Michael Mee

michaelm@justice-law-center.com

18 Cami Perkins

cperkins@howardandhoward.com

19 L. Christopher Rose

lcr@h2law.com

20 Kirill Mikhaylov

kvm@h2law.com

21 C. Scroggins

CBS@cbscrogginslaw.com

22 Morganne Westover

mwestover@howardandhoward.com

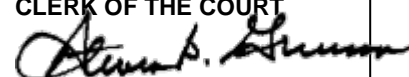
24

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1 **NEOJ**

2 L. Christopher Rose, Esq. Nevada Bar No. 7500  
3 Cami M. Perkins, Esq., Nevada Bar No. 9149  
4 Kirill V. Mikhaylov, Esq., Nevada Bar No. 13538

5 **Howard & Howard Attorneys PLLC**

6 3800 Howard Hughes Parkway, Suite 1000

7 Las Vegas, NV 89169

8 Telephone: (702) 257-1483

9 Facsimile: (702) 567-1568

10 E-Mail: [lcr@h2law.com](mailto:lcr@h2law.com); [cp@h2law.com](mailto:cp@h2law.com); [kdb@h2law.com](mailto:kdb@h2law.com)

11 *Attorneys for Plaintiff Betsy Whipple*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **BETSY L. WHIPPLE**, individually and as  
15 shareholder of **WHIPPLE CATTLE**  
16 **COMPANY, Inc.**, a Nevada Corporation,

17 Plaintiff,

18 vs.

19 **BRET O. WHIPPLE**, individually AND as  
20 President and Director of **WHIPPLE CATTLE**  
21 **COMPANY, INC.**, a Nevada Corporation;  
22 **CODY K. WHIPPLE**, individually and as  
23 Treasurer of **WHIPPLE CATTLE COMPANY,**  
24 **INC.**, a Nevada Corporation; **KIRT R. WHIPPLE**,  
25 individually and as Secretary of **WHIPPLE**  
26 **CATTLE COMPANY, INC.**, a Nevada  
27 Corporation; **JANE E. WHIPPLE**, individually  
and as Director of **WHIPPLE CATTLE**  
**COMPANY, INC.**, a Nevada Corporation; **JANE**  
**WHIPPLE**, trustee of **JANE WHIPPLE FAMILY**  
**TRUST** and as managing member of **KENT**  
**WHIPPLE RANCH LLC**; **JANE WHIPPLE**  
**FAMILY TRUST**; **KENT WHIPPLE RANCH**  
**LLC.**; **KATHRYN WETZEL**, individually,  
**WHIPPLE CATTLE COMPANY, INC.**, a  
Nevada Corporation; **DOE INDIVIDUALS I**  
through **X**; and **ROE CORPORATIONS I** through  
**X**,

Defendants.

CASE NO.: A-19-790929-B

DEPT NO.: 27

**NOTICE OF ENTRY OF ORDER**



1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion to Strike Request  
2 to Transfer to Business Court was filed in the above-captioned matter on the 28<sup>th</sup> day of April  
3 2021, a copy of which is attached hereto.

4 DATED: April 29, 2021

5 HOWARD & HOWARD ATTORNEYS PLLC

6  
7 By: /s/ Cami M. Perkins  
8 L. Chris Rose, Nevada Bar No. 7500  
9 Cami M. Perkins, Nevada Bar No. 9149  
10 Kirill V. Mikhaylov, Nevada Bar No. 13538

11 *Attorneys for Plaintiff Betsy Whipple*  
12  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **NOTICE OF ENTRY OF ORDER** in this action electronically via the Odyssey E-File and Serve System, which will cause this document to be served upon the following counsel of record:

Bret O. Whipple, Esq.  
1100 South Tenth Street  
Las Vegas, Nevada 89104

Benjamin C. Scroggins, Esq.  
629 S. Casino Center Blvd., Suite 5  
Las Vegas, Nevada 89101

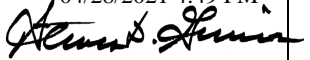
*Attorneys for Defendants Bret O. Whipple,  
Cody K. Whipple, Kirt R. Whipple, Jane E.  
Whipple, Jane Whipple Family Trust, Kent  
Whipple Ranch, LLC, and Kathryn Wetzel*

*Attorney for Defendant Whipple Cattle  
Company Incorporated*

DATED: April 29, 2021.

/s/ Morganne Westover

An employee of Howard & Howard Attorneys PLLC

  
CLERK OF THE COURT

**ORDR**

L. Christopher Rose, Esq. Nevada Bar No. 7500  
Cami M. Perkins, Esq., Nevada Bar No. 9149  
Kirill V. Mikhaylov, Esq., Nevada Bar No. 13538  
**Howard & Howard Attorneys PLLC**  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, NV 89169  
Telephone: (702) 257-1483  
Facsimile: (702) 567-1568  
E-Mail: [lcr@h2law.com](mailto:lcr@h2law.com); [cp@h2law.com](mailto:cp@h2law.com); [kdb@h2law.com](mailto:kdb@h2law.com)

*Attorneys for Plaintiff Betsy Whipple*

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

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE CATTLE  
COMPANY, Inc., a Nevada Corporation,

Plaintiff,

vs.

BRET O. WHIPPLE, individually AND as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation;  
CODY K. WHIPPLE, individually and as  
Treasurer of WHIPPLE CATTLE COMPANY,  
INC., a Nevada Corporation; KIRT R.  
WHIPPLE,  
individually and as Secretary of WHIPPLE  
CATTLE COMPANY, INC., a Nevada  
Corporation; JANE E. WHIPPLE, individually  
and as Director of WHIPPLE CATTLE  
COMPANY, INC., a Nevada Corporation; JANE  
WHIPPLE, trustee of JANE WHIPPLE  
FAMILY TRUST and as managing member of  
KENT WHIPPLE RANCH LLC; JANE  
WHIPPLE FAMILY TRUST; KENT WHIPPLE  
RANCH LLC.; KATHRYN WETZEL,  
individually, WHIPPLE CATTLE COMPANY,  
INC., a Nevada Corporation; DOE  
INDIVIDUALS I through X; and ROE  
CORPORATIONS I through X,

Defendants.

CASE NO.: A-19-790929-B  
DEPT NO.: 27

**ORDER DENYING DEFENDANTS'  
MOTION TO STRIKE REQUEST TO  
TRANSFER TO BUSINESS COURT**

Defendants’ Motion to Strike Plaintiff’s Request to Transfer to Business Court, (the “Motion to Strike”) came on for hearing before the Honorable Nancy L. Alf on the 27<sup>th</sup> day of January 2021 at 9:30 a.m. Defendants appeared through their attorneys, Bret O. Whipple, Esq., of Justice Law Center and Benjamin C. Scroggins, Esq., of the Law Firm of Benjamin C. Scroggins, and Plaintiff Betsy L. Whipple (“Plaintiff”) appeared through her attorney, Cami M. Perkins, Esq., of Howard & Howard Attorneys PLLC. The Court, having considered the Motion to Strike, the respective oppositions and replies thereto, having considered the oral arguments by counsel, and having reviewed the other pleadings and papers on file herein, finds, concludes, and orders as follows:

**I. FINDINGS OF FACT**

**A. Procedural Background**

1. On March 12, 2019, Plaintiff filed her Complaint against Defendants. For reasons unknown, Plaintiff’s former counsel inadvertently did not file this matter in business court.

2. Defaults were entered against Defendants for failing to answer Plaintiff’s Complaint. The Defaults were later set aside after Defendants prevailed on their Motion to Set Aside the Default Judgments filed on May 1, 2019.

3. On April 17, 2019, Defendants filed their Motion to Change Venue seeking to have this matter transferred to Lincoln County, Nevada.

4. On January 6, 2020, the Court granted the Motion to Change Venue. *See* Order Granting Motion, on file herein.

5. Plaintiff respectfully disagreed with the Court’s decision on the Motion to Change Venue and filed a Motion to Reconsider the Court’s Order on January 16, 2020. *See* Motion to Reconsider, on file herein. Plaintiff also simultaneously filed a Motion to Stay Venue Change Pending Motion for Reconsideration. *See* Motion to Stay, on file herein.

6. After filing the Motion for Reconsideration and the Motion to Stay, but before either were heard, on February 12, 2020, former counsel for Plaintiff filed a Notice of Appeal, which caused the Court to vacate the hearings on the Motion for Reconsideration and the Motion to Stay Venue.

1           7.       Approximately four (4) months later, the Nevada Supreme Court assigned the  
2 appeal to the Nevada Court of Appeals. *See* Nevada Supreme Court docket, Case No. 80558.  
3 Almost four (4) months after the appeal was assigned to the Nevada Court of Appeals, the Nevada  
4 Court of Appeals ordered Plaintiff/Appellant to show cause why the appeal should not be  
5 dismissed for lack of jurisdiction due to the pending Motion for Reconsideration before the Court,  
6 which the filing of may have tolled the time-frame in which to file a Notice of Appeal. *See*  
7 Nevada Court of Appeals docket, Case No. 80558-COA.

8           8.       On November 25, 2020, new counsel for Plaintiff substituted as counsel for  
9 Plaintiff's former counsel in this case. Upon review of Plaintiff's Complaint and Defendants'  
10 Answer and Counterclaim, and the issues presented therein, it was clear that the primary claims  
11 and issues in this matter will require decisions under NRS 78 or will relate to business torts.

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14 herein. In response, Defendants filed a Motion to Strike on November 30, 2020.

15           10.      On December 8, 2020, this matter was transferred by the Clerk of the Court from  
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17 file herein.

18           11.      Plaintiff filed her Opposition to the Motion to Strike on December 14, 2020 and  
19 the Motion to Strike came on before the Court for oral argument on January 27, 2021 at 9:30 a.m.

20           **B.       Substantive Findings**

21           12.      This is a shareholder dispute involving a Nevada corporation requiring numerous  
22 decisions under NRS Chapter 78 and the claims at issue arise from business torts. *See* Complaint,  
23 filed herein on March 12, 2019.

24           13.      In the Complaint, Plaintiff alleges the following causes of action/requests for  
25 relief against Defendants: (1) injunctive relief to prevent transfer of cattle and for return of cattle;  
26 (2) injunctive relief to prevent building of cabins on WCC property without shareholder consent  
27 as required by the bylaws; (3) injunctive relief to prevent mobile home development on WCC

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14. The matters at issue therefore fall directly under the purview of EDCR 1.61(a)(1), 1.61(a)(2)(ii) and (iii).

## II. CONCLUSIONS OF LAW

15. EDCR 1.6(c)(3) is unambiguous, and provides:

(3) Any party aggrieved by designation of a case as a business matter may seek review by the business court judge within ten (10) days of receipt of the assignment of the case to a business court judge or within ten (10) days of filing a responsive pleading, whichever is later.

(4) The business court judge shall decide whether a case is or is not a business matter and that decision shall not be appealable or reviewable by writ. Any matter not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court judge. If a case was submitted to the business court judge to determine whether it is a business matter and the business court judge rules that it is not, that case will be remanded to the department from which it came.

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(a) **Business matters defined.** “Business matters” shall be:

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(ii) Claims arising from business torts;

(iii) Claims arising from the purchase or sale of (A) the stock of a business, (B) all or substantially all of the assets of a business, or (C) commercial real estate; or

(iv) Business franchise transactions and relationships.

17. Neither EDCR 1.6 nor 1.61 place any deadline when a matter can be transferred to business court.

18. The Court rejects Defendants' argument that this Court does not have jurisdiction to hear this matter.

19. As set forth in EDCR 1.61(a)(1), 1.61(a)(2)(ii) and (iii) and demonstrated by the pleadings on file, this case is a business matter and this matter was properly transferred to business court in accordance with the applicable rules.

20. Based on the causes of action contained in Plaintiff's Complaint, this matter deals primarily with business matters, as defined in EDCR1.61. *See* Complaint, filed herein on March 12, 2019.

21. If any conclusion of law is more properly a finding of fact, it shall be so deemed.

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**III. ORDER**

**IT IS HEREBY ORDERED THAT** Defendants' Motion to Strike Plaintiff's Request to Transfer to Business Court be, and hereby is, denied.

ISSUED this 28 day of April, 2021.  
Dated this 28th day of April, 2021

Nancy L Allf  
DISTRICT COURT JUDGE

NB

74A 75D 1ED2 FFD9  
Nancy Allf  
District Court Judge

**Respectfully submitted by:**

HOWARD & HOWARD ATTORNEYS PLLC

/s/ Cami M. Perkins  
L. Christopher Rose (#7500)  
Cami M. Perkins (#9149)  
Kirill V. Mikhaylov (#13538)  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
*Attorneys for Plaintiff*

**Approved as to form and content:**

**JUSTICE LAW CENTER**

**LAW OFFICE OF BENJAMIN C. SCROGGINS**

/s/ Bret O. Whipple  
Bret O. Whipple, Esq., Nevada Bar No. 6168  
1100 South Tenth Street  
Las Vegas, Nevada 89104  
*Attorneys for Defendants Bret O. Whipple,  
Cody K. Whipple, Kirt R. Whipple, Jane E.  
Whipple, Jane Whipple Family Trust, Kent  
Whipple Ranch, LLC, and Kathryn Wetzel*

/s/  
Benjamin C. Scroggins, Esq., Nevada Bar No. 7902  
629 S. Casino Center Blvd., Suite 5  
Las Vegas, Nevada 89101  
*Attorney for Defendant Whipple Cattle  
Company Incorporated*



# JUSTICE LAW CENTER

1100 S. 10th Street, Las Vegas, Nevada 89104  
T: (702) 731-0000 F: (702) 974-4008  
bretwhipple@gmail.com

---

April 28, 2021

To: Cami Perkins, Esq.  
Counsel for Betsy Whipple

Ben Sroggins, Esq.  
Counsel for Whipple Cattle Company

**Re: Proposed Orders E-mailed on April 26, 2021.**

In regards to the Proposed Order Denying Defendants' Motion to Strike Request to Transfer to Business Court, the non-Corporation Defendants have no objection.

In regards to the Proposed Order Denying the Motion to Reconsider Order Denying Change of Venue, the non-Corporation Defendants have one objection as follows: Paragraph 3 under Conclusions of Law, we believe the first sentence should be stricken, such that Paragraph 3 begins with "Therefore, the Court's ruling." Our review of the minutes does not indicate that the court made any finding that "this action is a business dispute" as it relates to NRS 13.040 and/or NRS 13.010 and we object on that basis.

SINCERELY,

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BRET O. WHIPPLE, ESQ.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Betsy Whipple, Plaintiff(s)

CASE NO: A-19-790929-B

7 vs.

DEPT. NO. Department 27

8 Bret Whipple, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/28/2021

15 Jeanne Metzger

jeannem@justice-law-center.com

16 Bret Whipple

admin@justice-law-center.com

17 Michael Mee

michaelm@justice-law-center.com

18 Cami Perkins

cperkins@howardandhoward.com

19 L. Christopher Rose

lcr@h2law.com

20 Kirill Mikhaylov

kvm@h2law.com

21 C. Scroggins

CBS@cbscrogginslaw.com

22 Morganne Westover

mwestover@howardandhoward.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 04, 2019**

---

A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**June 04, 2019      9:30 AM      Motion to Set Aside  
Default Judgment**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

**PRESENT:**      Ramsey, Catherine K      Attorney  
Whipple, Bret O      Attorney

**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Mr. Ramsey stated he and Mr. Whipple met before Court and they are working on the tax records and obtaining the financial information. Additionally, he advised the only defaults entered were entered by the Clerk of the Court. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/11/19 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 11, 2019**

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A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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<b>June 11, 2019</b>	<b>9:30 AM</b>	<b>Motion to Set Aside Default Judgment</b>
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**HEARD BY:** Escobar, Adriana

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Chase, Garrett R. Whipple, Bret O Whipple, Bret O	Attorney Defendant Attorney
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**JOURNAL ENTRIES**

- Mr. Whipple stated he provided the documents requested by the Plaintiff; the matter should now move forward as there are a few issues needing to be resolved. Further arguments by counsel regarding defaults and attorney's fees. COURT ORDERED, motion GRANTED as to setting aside the defaults and DENIED as to attorney's fees.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**October 01, 2019**

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A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**October 01, 2019      9:30 AM      Motion**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Chase, Garrett R. Van, Michael C. Whipple, Bret O	Attorney Attorney Attorney
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**JOURNAL ENTRIES**

- Mr. Whipple argued that this matter should be transferred to Lincoln County, NV as all of the requirements have been met and the property is in Lincoln County. Mr. Chase stated that Mr. Whipple has not cited any law to support his motion. Mr. Van advised that torts related to property are not enough for a change of venue. COURT ORDERED, a minute order will be issued.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****October 22, 2019**

A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

<b>October 22, 2019</b>	<b>3:30 PM</b>	<b>Minute Order</b>	<b>Defendants' Motion Renewed to Change Venue...Motion to Vacate Early Case Conference</b>
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**HEARD BY:** Escobar, Adriana**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Denise Husted**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendants, collectively, filed a Motion Renewed to Change Venue (Motion), which Plaintiff opposed. The Court held a hearing on the Motion on October 1, 2019. After considering the pleadings and arguments, the Court GRANTS Defendants Motion Renewed to Change Venue and GRANTS Defendants Motion to Vacate the Early Case Conference.

The Court recognizes that proper venue is either the county in which one or more defendants reside at the commencement of the action. NRS 13.040; Washoe County v. Wildeveld, 103 Nev. 380 (1987). However, under NRS 13.050(c), the Court may change the place of the proceeding [w]hen the convenience of the witnesses and the ends of justice would be promoted by the change. Lyon Cty. v. Washoe Med. Ctr., 766 P.2d 902, 904 (Nev. 1988).

Note, [a]n action in any form to determine a right or interest in real property must be tried where the property is situated. Price v. Ward, 25 Nev. 203, 58 P. 849 (Oct. 1899). This matter is Plaintiff s request for injunctive relief on various grounds, breach of fiduciary duty on various grounds, and other



claims. All of Plaintiff s claims directly connect to and arise from conduct of Defendant WHIPPLE CATTLE COMPANY, INC. (WCC), which is located and doing business at 4004 Whipple Ranch Road, Hiko, Lincoln County, Nevada 89017.

Moreover, motions brought pursuant to NRS 13.050 subsection (2) need not be preceded by a timely demand and are addressed to the discretion of the court. *Kenning Car Rental v. Desert Rent-A-Car*, 105 Nev. 118, 771 P.2d 150 (Nev. 1989).

The Court finds that Change of venue is proper for the following reasons:

1. The facts and issues in dispute concerning the real property, conversion and trespass claims are exclusive to Lincoln County, Nevada. NRS 13.050(2)(c)
2. Plaintiff, Betsy Whipple, lives in Lincoln County, Nevada. NRS 13.050(2)(c).
3. Defendant, WCC, is located and doing business at 4004 Whipple Ranch Road, Hiko, Lincoln County, Nevada 89017. NRS 13.050(2)(c).
4. Defendant, Cody Whipple, is a part-time resident of Lincoln County, Nevada and he votes in Lincoln County, Nevada and is the Treasurer of the WHIPPLE CATTLE COMPANY, INC. NRS 13.050(2)(c)
5. Kathryn Wetzel, is now residing in Lincoln County, Nevada. NRS 13.050(2)(c)
6. Defendant, Jane Whipple, is a resident of Lincoln County, Nevada. NRS 13.050(2)(c)
7. Defendant, Kirt ( Blu ) Whipple, is a resident of Harris County, Texas and for the convenience of all parties agrees to Lincoln County, Nevada for the convenience of the witnesses and the ends of justice in this matter. NRS 13.050(2)(c)
8. All witnesses Defendants anticipate calling either worked and/or lived during the relevant period of time in Lincoln County, Nevada.

Based exclusively on the foregoing reasons and the connected filed pleadings without taking judicial notice of the prior cases in Lincoln County, Nevada the Court hereby GRANTS Defendants Motion Renewed to Change Venue and GRANTS Defendants Motion to Vacate the Early Case Conference.

Counsel for the Defendants is directed to prepare a detailed proposed order. Please include the findings of fact and conclusions of law made in this Minute Order, as well as by Defendants in their Motion, such that a reviewing court would understand the basis for the Court s order.

Please provide counsel for Plaintiff with a copy so counsel may review as to form and content. Then, submit the proposed order to chambers for signature. Please also email a copy of the order in Microsoft Word format to [PowellID@clarkcountycourts.us](mailto:PowellID@clarkcountycourts.us) and [Dept14LC@clarkcountycourts.us](mailto:Dept14LC@clarkcountycourts.us).

CLERK'S NOTE: Counsel notified via e-mail:

Bret Whipple ([BretWhipple@gmail.com](mailto:BretWhipple@gmail.com))

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 04, 2020**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

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**December 04, 2020      3:00 AM      Minute Order**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** Chambers

**COURT CLERK:** Kristen Brown

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff s Motion to Stay Venue Change Pending Reconsideration Pursuant to NRCP 62(b) (Motion) was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on March 19, 2020. This matter was vacated pending the Nevada Supreme Court appeal. Upon further review, the Court enters the following order:

Pursuant to NRAP 4(a)(4) and NRAP 4(a)(6), this Court still has jurisdiction over this case.

The hearing on Plaintiff s Motion for Reconsideration has been set for December 17, 2020.

COURT ORDERED, Plaintiff s Motion to Stay Venue Change pending its ruling on Plaintiff s Motion for Reconsideration is GRANTED.

Counsel for Plaintiff is directed to prepare a proposed order.

All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail

should identify the full case number, filing code and case caption.

CLERK'S NOTE: A copy of this minute order was distributed to: L. Christopher Rose, Esq., (lcr@h2law.com) and Bret O. Whipple, Esq., (bretwhipple@gmail.com).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 15, 2020**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

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**December 15, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on December 17, 2020 at 1:00 p.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/15/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 17, 2020**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**December 17, 2020      1:00 PM      Motion for Preliminary  
Injunction**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:** Perkins, Cami M.      Attorney  
Whipple, Bret O      Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application.

Court noted it entered a Temporary Restraining Order (TRO) to stabilize the interest of the 40% owner in the company and Court set this hearing to address various issues with Court granting the order. Colloquy regarding whether or the order changing the venue was a final judgment, minute order of Judge Escobar entered on December 4, 2020, whether or not this Court has jurisdiction, and issues on how to proceed in the case. Mr. Whipple requested the security costs be released to his firm to cover incidentals. Ms. Perkins requested the TRO be extended if it is Judge's inclination to have Judge Escobar hear the motion for reconsideration. COURT ORDERED, TRO is put aside, bond to be released to Plaintiff; with regard to the motion to reconsider, that will be referred to Judge Escobar for her decision, counsel are to file and serve simultaneous briefs no later than January 8, 2021, and Judge Escobar will set a hearing at her earliest convenience after that time. Court stated that in the event the motion to reconsider is denied, the issue in the Motion to Strike Business Court will become moot. Court further stated she and her law clerk would draft the order from this hearing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

January 14, 2021

A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**January 14, 2021      9:30 AM      Motion For  
Reconsideration**

**HEARD BY:** Escobar, Adriana

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:**

**RECORDED:**

**REPORTER:**

## PARTIES

**PRESENT:** Perkins, Cami M. Attorney  
Whipple, Bret O Attorney

## JOURNAL ENTRIES

- Upon the Court's inquiry, Ms. Perkins confirmed this case is before business court however, Judge Allf forwarded the case to this court for this specific hearing. Ms. Perkins further stated the Court previously granted the Motion to Change Venue to Lincoln County and argued this case has nothing to do with real property and it has everything to do with a shareholder dispute. Ms. Perkins further reviewed the causes of action and requested the Court reconsider the order changing venue. Argument by Mr. Whipple noting the plaintiff is forum shopping, all of the issues were already heard and there is now new law that Ms. Perkins can bring to the Court. Court stated it has looked at the issues very closely and while the Court understands this matter is in Business Court, that is not something the Court is taking into consideration at this time. Further, the Court is looking at what is the standard for a Motion for Reconsideration. Court Stated, this Court believes it made an error and this is a corporate dispute and this Court was erroneous in the forum non-convenience argument. COURT ORDERED Plaintiff's Motion for Reconsideration GRANTED; Ms. Perkins to prepare the order and provide the proposed order to Mr. Whipple and the court would like to receive the order in Word and PDF format to the DC 14 Inbox.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**January 19, 2021**

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A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**January 19, 2021      3:00 AM      Status Check**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on January 14, 2021 the Motion for Reconsideration was held.

COURT FURTHER FINDS after review that on January 14, 2021 the Honorable Adriana Escobar in Department 14 granted the Motion for Reconsideration. The Minutes for the Motion for Reconsideration stated that this case involves a corporate dispute and that the Court was erroneous in the forum non convenience argument.

COURT FURTHER FINDS after review that this case is now a Business Court case.

COURT FURTHER FINDS after review that a Status Check was scheduled on January 19, 2021 on Chambers calendar.

THEREFORE COURT ORDERS for good cause appearing and after review that the Status Check scheduled on January 19, 2021 on Chambers calendar is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/22/2021



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**January 27, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**January 27, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on January 27, 2021 , 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/27/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**January 27, 2021**

---

A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**January 27, 2021**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on January 28, 2021 , 2020 at 1:15 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/27/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**January 27, 2021**

---

A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**January 27, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Perkins, Cami M.	Attorney
	Scroggins, C. Benjamin	Attorney
	Wetzel, Kathryn	Defendant
		Counter Claimant
	Whipple Cattle Company, Inc.	Defendant
		Counter Claimant
	Whipple, Bret O	Defendant
		Counter Claimant
	Whipple, Bret O	Attorney
	Whipple, Cody K	Defendant
		Counter Claimant
	Whipple, Jane E	Defendant
		Counter Claimant
		Trustee
	Whipple, Kirt R	Defendant
		Counter Claimant

**JOURNAL ENTRIES**

- Appearances made via the BlueJeans Videoconferencing Application.

**MOTION TO STRIKE PLAINTIFF'S REQUEST TO TRANSFER TO BUSINESS COURT**

PRINT DATE: 05/26/2021

Page 17 of 38

Minutes Date: June 04, 2019

Arguments by Mr. Whipple and Ms. Perkins regarding the merits of and opposition to the motion. Court stated its findings, noting it is overruling the objection and ORDERED, Motion to Strike Plaintiff's Request to Transfer to Business Court DENIED. Ms. Perkins to prepare the order and submit it to opposing counsel for approval as to form.

**BETSY WHIPPLE'S MOTION TO DISQUALIFY, BRET O. WHIPPLE AS COUNSEL FOR DEFENDANTS**

Court noted it had another hearing coming up. Colloquy regarding continuing matter to later in the afternoon or to the next day. COURT ORDERED, Betsy Whipple's Motion to Disqualify Bret O. Whipple as Counsel for Defendants CONTINUED to January 28, 2021 at 1:15 p.m.

CONTINUED to: 1/28/2021 1:15 PM BETSY WHIPPLE'S MOTION TO DISQUALIFY, BRET O. WHIPPLE AS COUNSEL FOR DEFENDANTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****January 28, 2021**

A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

**January 28, 2021      4:15 PM      Motion to Disqualify  
Attorney**

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Louisa Garcia**RECORDER:** Brynn White**REPORTER:****PARTIES**

**PRESENT:**      Perkins, Cami M.      Attorney  
Scroggins, C. Benjamin      Attorney  
Whipple, Bret O      Attorney

**JOURNAL ENTRIES**

- Parties present via Blue Jeans.

Ms. Perkins argued in support of Motion stating there was a blatant disregard for the rules of professional misconduct. Before they brought this motion, Mr. Whipple was representing the corporation, the shareholders, directors and officers. He also represented himself and maintained the corporate books out of his office and understands he is the corporation's accountant. Under Rule 1.7, the lawyer may not represent a client when there is a concurrent conflict of interest and believes there needs to be independent counsel for the corporation.

Mr Scroggins stated there was no controlling Nevada law saying that someone in his position should not be allowed to represent the corporation under the circumstances in this case. It makes sense for him to represent the corporation because he has done work on behalf of the trust and has some familiarity with the company, noting he was completely independent from Mr. Whipple and has his own company. The issue is should he be allowed to represent the corporation under these circumstances. Colloquy between Court and Mr. Scroggins regarding relationship to Justice Law

Center and the corporation.

Mr. Whipple argued in opposition and stated all the requirements of Rule 1.7 have been satisfied. This has gone on several years without any issue. There has to be a concurrent conflict and other than Ms. Perkins saying something exists she has never identified what a concurrent conflict would be between his brothers and sisters. Colloquy between Court and Mr. Whipple regarding representation/relationship of the company and fraud allegations. Upon Court's inquiry, Mr. Whipple stated the Secretary of State has not yet been notified of his resignation. Additionally, he has never made a management decision without conducting a meeting.

Following further argument, Court advised this was a Motion to Disqualify Mr. Whipple for all Defendants; it did not address Mr. Scroggins so it will not expand the Motion to include Mr. Scroggins today. With regards to Brett Whipple, Court believes there is an inherent problem in him representing the company in any capacity. Court advised it was going to give Mr. Whipple a chance to substitute out of the case, and if he does not by the time an order is presented then the order would be to disqualify Mr. Whipple. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE, any requirement for Mr. Whipple to stop representing the other directors. Court believes, given the fact that Mr. Whipple has maintained the books and represented the company, Court believes Plaintiffs may be able to, after some discovery, develop facts to indicate that some of the other shareholders might have the right to make cross claims against him. If they do that that would trigger the Court to reconsider whether or not Mr. Whipple can represent them. Ms. Perkins to prepare the Order, have Mr. Whipple and Mr. Scroggins review as to form and content.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**February 23, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**February 23, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on February 25, 2021, at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

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Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/23/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**February 25, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**February 25, 2021      9:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Perkins, Cami M.	Attorney
	Scroggins, C. Benjamin	Attorney
	Whipple, Bret O	Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing application.

Court stated Defendant's motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of Motion to Reconsider Order Denying Motion to Change Venue had been filed just a few days ago and Court would not be considering it today. Colloquy regarding time needed for discovery. Court stated discovery cut-off would be set February 25, 2022. Court further stated it would issue the scheduling order setting trial and the appearance of counsel satisfied the rule 16 requirement.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**March 03, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

---

**March 03, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on March 4, 2021, at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with

Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

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Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

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If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/3/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****March 04, 2021**

A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

**March 04, 2021      10:00 AM      Motion for Preliminary  
Injunction**

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn White**REPORTER:****PARTIES**

<b>PRESENT:</b>	Perkins, Cami M.	Attorney
	Scroggins, C. Benjamin	Attorney
	Whipple, Bret O	Defendant
		Counter Claimant
	Whipple, Bret O	Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application

Arguments by Ms. Perkins and Mr. Whipple regarding the merits of and opposition to the motion. Mr. Scroggins stated he has recently entered the case, he has not had the opportunity to go over the books with his client or to address the pleadings on the issue, and he cannot factually address the Plaintiff's arguments today. Court stated its findings and ORDERED, Plaintiff's Motion for Preliminary Injunction on Order Shortening Time GRANTED IN PART, DENIED IN PART, Court is not enjoining the company from having an annual meeting, Betsy Whipple will have access to the quick books, motion GRANTED as to all financial records outlined in exhibits 1 and 2 of the original motion, and if the documents do not exist at this time but are created, they will need to be provided. COURT FURTHER ORDERED, bond SET in the amount of \$1,000.00. Colloquy regarding time frame for production, upcoming motions, and initial disclosures. Upon the stipulation of all parties, COURT ORDERED, Defendant's Motion to Stay and/or Vacate Rule 16.1 Conference Pending Resolution of

Motion to Reconsider Order Denying Motion to Change Venue set on April 7, 2021 VACATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**March 22, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

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**March 22, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Grecia Snow

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on February 5, 2021 a Motion to Reconsider Order Denying to Change Venue to Lincoln County ( Motion to Reconsider ) was filed. A hearing was requested.

COURT FURTHER FINDS after review that on February 22, 2021 an Opposition to the Motion to Reconsider was filed.

COURT FURTHER FINDS after review that on February 24, 2021 a Joinder to the Motion to Reconsider was filed.

COURT FURTHER FINDS after review that on March 2, 2021 a Reply in Support of the Motion to Reconsider was filed.

The Reply stated that per the Court s docket, the Motion is presently set to be heard in chambers and that Defendants request that a hearing be scheduled where they have an opportunity to present additional evidence, and argument, pertaining to the pending motion.

COURT FURTHER FINDS after review that this Motion to Reconsider was scheduled on March 9, 2021 on Chambers calendar.



COURT FURTHER FINDS after review that the Joinder to the Motion to Reconsider was scheduled on March 9, 2021 on Chambers calendar.

THEREFORE COURT ORDERS for good cause appearing and after review that the Motion to Reconsider and Joinder to Motion to Reconsider set on March 9, 2021 on Chambers calendar are hereby VACATED and the Motion to Reconsider and Joinder to Motion to Reconsider are hereby scheduled on Thursday, April 8, 2021 at 11:00 a.m. on Motions calendar. A BlueJeans link will be sent to all parties prior to the scheduled hearing.

THEREFORE COURT FURTHER ORDERS for good cause appearing that the Status Check: per judge scheduled on March 9, 2021 on Chambers calendar is hereby VACATED.

CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 3/22/21 gs

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 07, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

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**April 07, 2021**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on April 8, 2021, at 11:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. Courtroom 3A can accommodate capacity of 9 people in total.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/7/2021

April 14, 2021

Minutes Date: June 04, 2019

A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997).

Defendants seek reconsideration of this Court's January 27, 2021, Order Granting Plaintiff's Motion for Reconsideration, which maintains venue in Clark County.

Defendants primarily seek reconsideration on the ground of new factual information and evidence. Specifically, Defendants argue they have obtained additional and more specific evidence, which shows that the change of venue to Lincoln County is warranted. This Court disagrees.

This new evidence is primarily in the form of detailed affidavits from numerous witnesses Defendants expect to testify in this case. The information set forth in the affidavits was available when Defendants filed their Renewed Motion to Change Venue on August 27, 2019. And this evidence was certainly available to Defendants prior to this Court ruling on Plaintiff's Motion for Reconsideration in January 2021. At no time prior to the Court's ruling did Defendants seek to file an amended or supplemental pleading to include this additional evidence. Evidence is not newly discovered if it was in party's possession at the time the Court ruled on a matter (here, the Renewed Motion to Change Venue and the Motion for Reconsideration). See *Bank of New York Mellon as Trustee of Registered Holders of Alternative Loan Trust 2006-OC6, Mortgage Pass-through Certificates Series 2006-OC6 v. Holm International Properties, LLC*, 2021 WL 977698 at \*3 (Nev. App. 2021); *Pitzel v. Software Development & Investment of Nevada*, 2008 WL 6124816 at \*3 (Nev. 2008).

Additionally, this Court's ruling that NRS 13.040 applies over NRS 13.010 was not clearly erroneous.

Accordingly, this Court DENIES Defendants' Motion and Joinder.

Counsel for Plaintiff is directed to prepare a proposed order that incorporates the substance of this minute order. Defendants must approve as to form and content.

Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4).

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing [DC14Inbox@clarkcountycourts.us](mailto:DC14Inbox@clarkcountycourts.us). All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 23, 2021**

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A-19-790929-B      Betsy Whipple, Plaintiff(s)  
vs.  
Bret Whipple, Defendant(s)

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**April 23, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on April 28, 2021, 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. Courtroom 3A can accommodate capacity of 9 people in total.

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Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/23/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Business Court Matters

## COURT MINUTES

April 28, 2021

A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**April 28, 2021                      9:30 AM                      Joinder**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- BETSY L. WHIPPLE'S MOTION FOR ATTORNEYS' FEES ASSOCIATED WITH BRING MOTION  
TO DISQUALIFY BRET O. WHIPPLE...DEFENDANTS' JOINDER TO WCC'S OPPOSITION TO  
MOTION FOR ATTORNEY'S FEES

Present in Courtroom: C. Benjamin Scroggins, Esq, Bret O. Whipple, Esq.

Present via BlueJeans Videoconferencing Application: Cami M. Perkins

Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings, noting that Mr. Bret O. Whipple did not act in a vexatious way, but that it was necessary for the motion to be filed and ORDERED, Betsy L. Whipple's Motion for Attorneys' Fees Associated With Bringing Motion to Disqualify Bret O. Whipple GRANTED; the sanction will be solely against Whipple Cattle Company, the amount will be reduced by 40%, the company will not do a capital call to require Plaintiff to pay any part of that. COURT FURTHER ORDERED, the issue as to the amount of fees will be taken under submission to be filled in by the Court when it reviews and approves the order. Colloquy regarding how to present the attorney/client privilege fees to the Court. Ms. Perkins stated she could submit the billing statements to the Court sealed. Mr. Scroggins stated he did not have an issues with that. Ms. Perkins to prepare the order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 21, 2021**

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A-19-790929-B	Betsy Whipple, Plaintiff(s) vs. Bret Whipple, Defendant(s)
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**May 21, 2021**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on May 27, 2021, 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

PRINT DATE: 05/26/2021

Page 37 of 38

Minutes Date: June 04, 2019

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/21/2021.



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

**C. BENJAMIN SCROGGINS, ESQ.**  
**629 S. CASINO CENTER BLVD.**  
**LAS VEGAS, NV 89101**

**DATE: May 26, 2021**  
**CASE: A-19-790929-B**

**RE CASE:** BETSY L. WHIPPLE, individually and as shareholder of WHIPPLE VATTLE COMPANY, INC. vs. BRET O. WHIPPLE, individually and as President and Director of WHIPPLE CATTLE COMPANY, INC.; CODY K. WHIPPLE, individually and as Treasurer of WHIPPLE CATTLE COMPANY, INC.; KIRT R. WHIPPLE, individually and as Secretary of WHIPPLE CATTLE COMPANY, INC.; JANE E. WHIPPLE, individually and as Director of WHIPPLE CATTLE COMPANY, INC.; JANE WHIPPLE, trustee of JANE WHIPPLE FAMILY TRUST and as managing member of KENT WHIPPLE RANCH, LLC; JANE WHIPPLE FAMILY TRUST; KENT WHIPPLE RANCH, LLC; KATHRYN WETZEL; WHIPPLE CATTLE COMPANY, INC.

NOTICE OF APPEAL FILED: May 24, 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
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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

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

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

---

*\*\*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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANTS' MOTION TO RECONSIDER ORDER DENYING MOTION TO CHANGE VENUE; NOTICE OF ENTRY OF ORDER; ORDER DENYING DEFENDANTS' MOTION TO STRIKE REQUEST TO TRANSFER TO BUSINESS COURT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

BETSY L. WHIPPLE, individually and as  
shareholder of WHIPPLE VATTLE  
COMPANY, INC.,

Plaintiff(s),

vs.

BRET O. WHIPPLE, individually and as  
President and Director of WHIPPLE CATTLE  
COMPANY, INC.; CODY K. WHIPPLE,  
individually and as Treasurer of WHIPPLE  
CATTLE COMPANY, INC.; KIRT R.  
WHIPPLE, individually and as Secretary of  
WHIPPLE CATTLE COMPANY, INC.; JANE  
E. WHIPPLE, individually and as Director of  
WHIPPLE CATTLE COMPANY, INC.; JANE  
WHIPPLE, trustee of JANE WHIPPLE  
FAMILY TRUST and as managing member of  
KENT WHIPPLE RANCH, LLC; JANE  
WHIPPLE FAMILY TRUST; KENT WHIPPLE  
RANCH, LLC; KATHRYN WETZEL;  
WHIPPLE CATTLE COMPANY, INC.,

Defendant(s),

Case No: A-19-790929-C

Dept No: XXVII

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 26 day of May 2021.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read 'Amanda Hampton', is written over a faint, circular court seal. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT LAS VEGAS, NEVADA'.

---

Amanda Hampton, Deputy Clerk.  
A-19-790929-C