

Electronically Filed
Jun 30 2021 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOA**
2 DAVID J. WINTERTON, ESQ.
3 Nevada Bar No. 4142
4 DAVID J. WINTERTON & ASSOC., LTD.
5 7881 W. Charleston Blvd., Suite 220
6 Las Vegas, Nevada 89117
7 Phone: (702) 363-0317
8 *Attorney for Jack Gaal, and*
9 *Jack's Place Bar and Grill LLC*

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 LAS VEGAS 101 INC., A NEVADA)	Case No. A-18-776982-C
9 CORPORATION DOING BUSINESS AS)	
10 FIRST CHOICE BUSINESS BROKERS,)	Depart. 27
11 LAS VEGAS 101)	
12)	
13 Plaintiffs,)	
14)	
15 vs.)	
16)	
17 JACK GAAL, individually; JACK'S)	
18 PLACE BAR AND GRILL LLC; DOES I)	
19 through X; and ROE CORPORATIONS XI)	
20 through XX.)	
21)	
22 Defendants)	
23)	

16 **NOTICE OF APPEAL**

17 Notice is hereby given that JACK GAAL and JACK'S PLACE BAR AND GRILL
18 LLC, hereby appeals to the Supreme Court of Nevada from the final decision granting a
19 decision in favor of the Plaintiff to pay certain real estate commissions and entered in this
20 action on the 21st day of June, 2021

21 DATED this 23 day of June, 2021.

23 DAVID J. WINTERTON & ASSOCIATES LTD.

24 By: /s/: David J. Winterton Esq.

25 David J. Winterton Esq.
26 Nevada Bar No.: 004142
27 7881 W. Charleston Blvd., Suite 220
28 Las Vegas, Nevada 89117
Attorneys for the Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of David J. Winterton & Assoc., Ltd.
And that on the 23rd day of June, 2021 I have electronically served a true and correct copy of
the foregoing Notice of Appeal addressed as follows:

dba Right Lawyers
Stacey M. Rocheleau, Esq.
600 South Tonopah Drive, Suite 300
Las Vegas, NV 89106
(rock@rightlawyers.com)
(info@rightlawyers.com)

Assly Sayyar, Attorney at Law, Inc.
Assly Sayyar, Esq.
5550 Painted Mirage Rd. #320
Las Vegas, Nevada 89149
assly@vistalawyer.net

/s/: Autumn G. Wheeler
Employee of David J. Winterton & Assoc., Ltd.

CASE SUMMARY**CASE NO. A-18-776982-C**

Las Vegas 101 Inc, Plaintiff(s)
vs.
Jack Gaal, Defendant(s)

§
§
§
§
§

Location: **Department 27**
 Judicial Officer: **Allf, Nancy**
 Filed on: **06/29/2018**
 Cross-Reference Case Number: **A776982**

CASE INFORMATIONCase Type: **Other Contract**

Case
Status: **06/29/2018 Open**

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

Case Number A-18-776982-C
 Court Department 27
 Date Assigned 06/29/2018
 Judicial Officer Allf, Nancy

PARTY INFORMATION

Plaintiff	Las Vegas 101 Inc	<i>Lead Attorneys</i> Rocheleau, Stacy M. <i>Retained</i> 702-914-0400(W)
Defendant	Jack Gaal	Winterton, David J <i>Retained</i> 7023630317(W)
	Jack's Place Bar and Grill LLC	Winterton, David J <i>Retained</i> 7023630317(W)

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

06/29/2018	 Complaint Filed By: Plaintiff Las Vegas 101 Inc <i>Complaint</i>
07/06/2018	 Summons Electronically Issued - Service Pending <i>Summons</i>
08/27/2018	 Affidavit of Service <i>Affidavit of Service</i>
08/29/2018	 Affidavit of Service <i>Affidavit of Service</i>
09/04/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
09/04/2018	 Affidavit in Support

CASE SUMMARY

CASE NO. A-18-776982-C

Affidavit in Support of Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration

09/04/2018



Motion

Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration

09/13/2018



Opposition

Opposition to Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration and Countermotion to Compel Mediation

09/20/2018



Reply to Opposition

Filed by: Defendant Jack Gaal

Reply to Opposition to Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration

09/20/2018



Affidavit in Support

Affidavit in Support of Reply to Opposition to Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration

11/02/2018



Order

Order to Stay Proceeding Pending Mediation

11/06/2018



Notice of Entry of Order

Notice of Entry of Order

11/13/2018



Order Setting Settlement Conference

Order Setting Settlement Conference

01/07/2019



Status Report

Filed By: Defendant Jack Gaal

Status Report

02/11/2019



Miscellaneous Filing

Exemption From Arbitration

02/11/2019



Notice of Early Case Conference

Notice of Early Case Conference

02/28/2019



NRCP 16.1 Initial List of Witnesses and Documents

Filed By: Plaintiff Las Vegas 101 Inc

Plaintiff's Initial List of Witnesses and Documents Pursuant to NRCP 16.1

05/16/2019



Three Day Notice of Intent to Default

Three Day Notice Of Intent To Take Default

05/21/2019



Order

Order to Appear for Mandatory Discovery Conference

05/22/2019



Answer

Filed By: Defendant Jack Gaal; Defendant Jack's Place Bar and Grill LLC

Answer to Complaint

06/17/2019



ADR - Action Required

CASE SUMMARY

CASE NO. A-18-776982-C

ADR- Action Required-Exemption

06/18/2019	 Request for Exemption From Arbitration <i>Request for Exemption from Arbitration</i>
07/02/2019	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - GRANTED</i>
01/13/2020	 Scheduling and Trial Order <i>Order Setting Civil Bench Trial, and Calendar Call</i>
06/19/2020	 Stipulation and Order Filed by: Plaintiff Las Vegas 101 Inc <i>Stipulation and Order</i>
08/10/2020	 Notice of Deposition <i>Notice of Deposition of Defendant Jack Gaal</i>
08/18/2020	 Amended Filed By: Plaintiff Las Vegas 101 Inc <i>Amended Notice of Deposition of Defendant Jack Gaal</i>
08/26/2020	 Stipulation and Order Filed by: Plaintiff Las Vegas 101 Inc <i>Stipulation and Order to Continue Bench Trial and Discovery Deadline</i>
08/27/2020	 Stipulation and Order <i>Stipulation and Order Regarding Subpoena for Testimony and Subpoena Duces Tecum to Angel Soto</i>
08/27/2020	 Stipulation and Order Filed by: Defendant Jack Gaal <i>Stipulation and Order Regarding Subpoena for Testimony and Subpoena Duces Tecum to Angel Soto</i>
08/27/2020	 Order Setting Civil Bench Trial <i>ORDER RE-SETTING CIVIL BENCH TRIAL AND CALENDAR CALL</i>
08/27/2020	 Notice of Entry of Order <i>Notice of Entry of Stipulation and Order</i>
09/01/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
09/01/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Jack Gaal <i>Notice of Entry of Stipulation and Order Regarding Subpoena For Testimony and Subpoena Duces Tecum to Angel Soto</i>
09/18/2020	 Motion to Compel Filed By: Plaintiff Las Vegas 101 Inc <i>Plaintiff's Motion to Compel Discovery Responses</i>

CASE SUMMARY

CASE NO. A-18-776982-C

09/18/2020	 Exhibits <i>Exhibits in Support of Plaintiff's Motion to Compel Discovery Responses</i>
09/18/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/21/2020	 Certificate of Service <i>Certificate of Service</i>
10/01/2020	 Notice of Deposition <i>Notice of Deposition of Angel Soto</i>
10/07/2020	 Opposition to Motion Filed By: Defendant Jack Gaal <i>Opposition to Motion to Compel Discovery Responses</i>
10/15/2020	 Stipulation and Order Filed by: Plaintiff Las Vegas 101 Inc <i>Stipulation and Order to Dismiss Motion and Vacate Hearing</i>
10/15/2020	 Notice of Entry of Order <i>Notice of Entry of Stipulation and Order</i>
01/07/2021	 Pre-Trial Disclosure <i>Plaintiff's NRCP 16.1(a)(3) Pre-Trial Disclosures</i>
01/12/2021	 Trial Subpoena <i>Trial Subpoena for Angel Soto</i>
01/12/2021	 Trial Subpoena <i>Trial Subpoena for David Winterton</i>
01/12/2021	 Affidavit of Service <i>Declaration of Service - Angel Soto</i>
01/12/2021	 Affidavit of Service <i>Declaration of Service - David Winterton</i>
01/25/2021	 Notice of Appearance Party: Plaintiff Las Vegas 101 Inc <i>Notice of Appearance of Associate Counsel</i>
02/03/2021	 Motion for Summary Judgment Filed By: Defendant Jack Gaal <i>Defendant's Motion for Summary Judgment</i>
02/04/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/10/2021	 Declaration Filed By: Defendant Jack Gaal <i>Declaration of Jack Gaal in Support of Defendant's Motion for Summary Judgment</i>

CASE SUMMARY

CASE NO. A-18-776982-C

02/18/2021	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Las Vegas 101 Inc <i>Plaintiff's Opposition to Defendant's [SIC] Motion for Summary Judgment</i>
02/22/2021	 Errata Filed By: Plaintiff Las Vegas 101 Inc <i>Errata</i>
02/26/2021	 Reply to Opposition Filed by: Defendant Jack Gaal; Defendant Jack's Place Bar and Grill LLC <i>Reply to Opposition to the Motion for Summary Judgment</i>
05/06/2021	 Order <i>Proposed Pretrial Order for Bench Trials</i>
05/07/2021	 Pre-trial Memorandum Filed by: Defendant Jack Gaal <i>Defendant's Pre-Trial Memorandum</i>
05/10/2021	 Pre-trial Memorandum <i>Plaintiff's Pre-trial Memo</i>
05/14/2021	 Motion to Continue Filed By: Defendant Jack Gaal <i>Emergency Motion to Continue Trial</i>
05/14/2021	 Opposition to Motion Filed By: Plaintiff Las Vegas 101 Inc <i>Plaintiff's Opposition to the Emergency Motion to Continue Trial</i>
05/14/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/14/2021	 Notice of Hearing <i>Order: Notice of Hearing</i>
06/16/2021	 Findings of Fact, Conclusions of Law and Judgment Filed by: Plaintiff Las Vegas 101 Inc <i>Findings of Fact and Conclusions of Law</i>
06/21/2021	 Notice of Entry Filed By: Plaintiff Las Vegas 101 Inc <i>Notice of Entry of Findings of Fact and Conclusions of Law</i>
06/23/2021	 Notice of Appeal Filed By: Defendant Jack Gaal; Defendant Jack's Place Bar and Grill LLC <i>Notice of Appeal</i>
06/23/2021	 Memorandum <i>Memorandum of Costs</i>
06/24/2021	 Objection

CASE SUMMARY

CASE NO. A-18-776982-C

Filed By: Defendant Jack Gaal
Objection to Memorandum of Costs


DISPOSITIONS


06/16/2021 **Judgment Plus Interest** (Judicial Officer: Allf, Nancy)
Debtors: Jack Gaal (Defendant), Jack's Place Bar and Grill LLC (Defendant)
Creditors: Las Vegas 101 Inc (Plaintiff)
Judgment: 06/16/2021, Docketed: 06/17/2021
Total Judgment: 100,000.00


HEARINGS

10/10/2018 **Motion to Stay** (9:00 AM) (Judicial Officer: Allf, Nancy)
Deft's Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration
Off Calendar;

10/10/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Allf, Nancy)
Opposition to Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration and
Countermotion to Compel Mediation
Off Calendar;

10/10/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Allf, Nancy)
Matter Heard;
Journal Entry Details:
DEFT'S MOTION TO STAY PROCEEDING PENDING ARBITRATION AND TO COMPEL
ARBITRATION...OPPOSITION TO MOTION TO STAY PROCEEDING PENDING
ARBITRATION AND TO COMPEL ARBITRATION AND COUNTERMOTION TO COMPEL
MEDIATION Mr. Winterton stated parties have agreed to do mediation and stay matter.
Colloquy regarding type of mediation. Upon inquiry of Court if parties wanted to participate
in the Court's settlement program, both counsel agreed. Paperwork regarding how to set up a
settlement conference in District Court provided to counsel. COURT ORDERED, matter SET
for status check on chamber calendar, parties to provide a status report, by either fax or e-
mail, to Court by January 4, 2018 and a hearing will be set if needed, Deft's Motion to Stay
Proceeding Pending Arbitration and to Compel Arbitration and Opposition to Motion to Stay
Proceeding Pending Arbitration and to Compel Arbitration and Countermotion to Compel
Mediation OFF CALENDAR. Ms. Rocheleau to prepare the order.;

01/03/2019  **Settlement Conference** (10:30 AM) (Judicial Officer: Bell, Linda Marie)
01/03/2019, 05/14/2019
Not Settled;
Not Settled;
Journal Entry Details:
SETTLEMENT CONFERENCE Parties participated in a settlement conference and a
settlement was not reached.;
Not Settled;
Not Settled;
Journal Entry Details:
SETTLEMENT CONFERENCE. Parties participated in a settlement conference and did not
come to a resolutions however discussions are on going.;





06/05/2019  **Mandatory Rule 16 Conference** (9:00 AM) (Judicial Officer: Allf, Nancy)
Matter Heard;
Journal Entry Details:
Colloquy as initial disclosures, witnesses, and time needed for discovery. COURT ORDERED,
deadline for initial disclosures is June 14,2019; discovery cut off will be December 31, 2019,
and deadline to file Joint Case Conference Report (JCCR) will be June 28, 2019.;

10/21/2020 **CANCELED Motion to Compel** (9:00 AM) (Judicial Officer: Allf, Nancy)
Vacated - per Stipulation and Order
Plaintiff's Motion to Compel Discovery Responses

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-776982-C

11/12/2020	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
11/16/2020	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
01/19/2021	 Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Minute Order: Calendar Call set 2/4/2021 CONTINUED to 1/28/2021</i> <i>Minute Order - No Hearing Held; Minute Order: Calendar Call set 2/4/2021 CONTINUED to 1/28/2021</i> <i>Journal Entry Details:</i> <i>For judicial economy and to keep attorneys updated on trial settings, COURT ORDERED, calendar calls currently scheduled for February 4, 2021 at 10:30 a.m. CONTINUED to January 28, 2021 at 11:00 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/19/2021;</i>
01/27/2021	 Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Minute Order: BlueJeans Appearance</i> <i>Minute Order - No Hearing Held;</i> <i>Journal Entry Details:</i> <i>Department 27 Formal Request to Appear Telephonically Re: Matter set on January 28, 2021, 2020 at 10:30 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 ;</i>
01/28/2021	 Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Matter Heard;</i> <i>Journal Entry Details:</i> <i>Counsel announced ready for trial and anticipate eight (8) full days. Colloquy regarding scheduling. COURT ORDERED, trial date VACATED and RESET. Court advised all exhibits have to be electronic; counsel to work out with law clerk. 3/25/21 10:00 AM STATUS CHECK: TRIAL READINESS 3/29/21 9:00 AM BENCH TRIAL;</i>
02/08/2021	CANCELED Bench Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
03/09/2021	 Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Minute Order: BlueJeans Appearance</i> <i>Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance</i> <i>Journal Entry Details:</i>

CASE SUMMARY

CASE NO. A-18-776982-C

Department 27 Formal Request to Appear Telephonically Re: Matter set on March 10, 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 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 3/9/2021 ;

03/10/2021



Motion for Summary Judgment (10:00 AM) (Judicial Officer: Allf, Nancy)

Defendant's Motion for Summary Judgment

MINUTES

Denied;

Journal Entry Details:

All parties present via the BlueJeans Application. Court noted it's inclination to deny the motion due to there being issues of material fact. Arguments by Mr. Winterton and Ms. Sayyar regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Summary Judgment DENIED for reasons provided in the opposition. Plaintiff's counsel to prepare the order, include specific issues of fact in dispute in the order, and provide the order to opposing counsel as to form. Colloquy regarding trial setting. Ms. Sayyar stated she believes the trial would be five to eight days. COURT ORDERED, trial and status check on trial readiness VACATED and SET for the April trial stack, parties to be able to provide availability for trial with them to the Calendar Call. 4/15/2021 10:30 AM CALENDAR CALL 4/19/2021 10:30 AM BENCH TRIAL;

SCHEDULED HEARINGS

CANCELED Calendar Call (04/15/2021 at 10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated - Previously Decided

CANCELED Bench Trial (05/17/2021 at 11:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

03/25/2021

CANCELED Status Check (10:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

Status Check: Trial Readiness

03/29/2021

CANCELED Bench Trial (9:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

04/15/2021

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

Vacated - Previously Decided

05/14/2021



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 14, 2021, 4:15

CASE SUMMARY

CASE NO. A-18-776982-C

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. 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 5/14/2021. ;

05/14/2021



Motion to Continue Trial (4:15 PM) (Judicial Officer: Allf, Nancy)

Defendant's Emergency Motion to Continue Trial

Granted;

Journal Entry Details:

All appearances made by the BlueJeans Videoconferencing Application. Arguments by counsel regarding the merits and opposition to the motion. COURT ORDERED, Defendant's Emergency Motion to Continue Trial GRANTED. Court stated it would take Ms. Sayyar's suggestion with regard to whether or not there was an attempt to delay or whether or not Plaintiff is entitled to fees and costs for consideration at a later time. COURT ORDERED, matter SET for special status check setting. Mr. Winterton to prepare the order and submit it opposing counsel for approval as to form. 5/20/2021 1:30 PM STATUS CHECK;

05/17/2021

CANCELED Bench Trial (11:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

05/18/2021



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 May 20, 2021, 1:30 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. 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

CASE SUMMARY

CASE NO. A-18-776982-C

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 5/18/2021. ;

05/20/2021



Status Check (1:30 PM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

All appearances by the BlueJeans Videoconferencing Application. Mr Winterton provided an update as to Defendant's medical condition. Upon inquiry of Court as to length of trial, counsel stated it would be three to five days. Colloquy regarding trial availability. COURT ORDERED, firm trial date SET. 6/1/2021 10:00 AM BENCH TRIAL 6/2/2021 1:00 PM BENCH TRIAL 6/4/2021 10:00 AM BENCH TRIAL 6/10/2021 1:00 PM BENCH TRIAL 6/11/2021 10:00 AM BENCH TRIAL;

06/01/2021



Bench Trial (10:00 AM) (Judicial Officer: Allf, Nancy)

06/01/2021-06/02/2021, 06/04/2021, 06/10/2021

Trial Continues;

Matter Continued;

Trial Continues;

Decision Made;

Journal Entry Details:

Testimony and exhibits presented. (See worksheets). Closing arguments by counsel. Court stated findings and ORDERED, verdict in favor of Pltf. Pltf's counsel to prepare the findings of fact and conclusions of law. Fees and costs to be done by motion.;

Trial Continues;

Matter Continued;

Trial Continues;

Decision Made;

Journal Entry Details:

Mr. Winterton stated Mr. Gaal had an emergency medical matter and would not be present at this time. Ms. Sayyar objected to any continuance due to Mr. Gaal's absence. Response by Mr. Winterton. Court stated defendant is entitled to appear and make his record. Mr. Rocheleau objected to Mr. Northrup as the next witness due to there being no disclosure. Matter trailed for Mr. Winterton to review when Mr. Northrup was disclosed. RECALLED. Same parties present. Mr. Winterton stated they did not list Mr. Winterton earlier. Offer of proof as to testimony Mr. Northrup would have offered had he been a witness. CONFERENCE AT THE BENCH. Court stated there was a colloquy off the record and ORDERED, trial CONTINUED. CONTINUED TO: 6/10/2021 1:30PM;

Trial Continues;

Matter Continued;

Trial Continues;

Decision Made;

Journal Entry Details:

Jeffrey Nyman and Philip Neuenswander present. Testimony and exhibits presented. (See worksheets). Colloquy regarding scheduling witnesses. After a break, the matter was recalled. PLAINTIFF RESTED. Mr. Winterton stated Def't's first witness will be called Friday morning. Trial schedule discussed. COURT ORDERED, Trial CONTINUED. 6-4-2021 10:00 a.m. Bench Trial;

Trial Continues;

Matter Continued;

Trial Continues;

Decision Made;

Journal Entry Details:

CASE SUMMARY**CASE No. A-18-776982-C**

Counsel stipulated to exhibits on the record. Exclusionary rule invoked. Colloquy regarding housekeeping matter. Opening statements by Mr. Rocheleau and Mr. Winterton. Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. CONTINUED TO: 6/2/2021 2:00 PM;

06/08/2021

Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)*Minute Order: BlueJeans Appearance***DATE****FINANCIAL INFORMATION****Defendant** Jack Gaal

Total Charges

477.00

Total Payments and Credits

477.00

Balance Due as of 6/25/2021**0.00****Plaintiff** Las Vegas 101 Inc

Total Charges

270.00

Total Payments and Credits

270.00

Balance Due as of 6/25/2021**0.00**

DISTRICT COURT CIVIL COVER SHEET

Department 27

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): Las Vegas 101 INC., A NEVADA CORPORATION DOING BUSINESS AS FIRST CHOICE BUSINESS BROKERS, LAS VEGAS 101,	Defendant(s) (name/address/phone): JACK GAAL, individual: JACK'S PLACE BAR AND GRILL LLC; DOES I through X; and ROE CORPORATIONS XI through XX
Attorney (name/address/phone): STACY M. ROCHELEAU, ESQ. 600 S. TONOPAH DR. #300 LAS VEGAS, NV 89146	Attorney (name/address/phone):

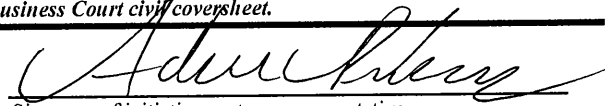
II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

06-29-2018

Date


 Signature of initiating party or representative

See other side for family-related case filings.

Hannah S. Hume

CLERK OF THE COURT

1 ROCHELEAU LAW GROUP
dba RIGHT LAWYERS
2 ROCK ROCHELEAU, ESQ. (SBN 15315)
600 South Tonopah Drive, Suite 300
3 Las Vegas, Nevada 89106
Tel: 702-914-0400
4 rock@rightlawyers.com

5 *Attorney for Plaintiff*

6 ASSLY SAYYAR, ATTORNEY AT LAW, INC.
ASSLY SAYYAR, ESQ. (SBN 9178)
7 5550 Painted Mirage Rd. #320
Las Vegas, Nevada 89149
8 Tel: 760-542-8717
Fax: 760-444-3560
9 assly@vistalawyer.net

10 *Associate Counsel for Plaintiff*

11
12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**
14

15 LAS VEGAS 101 INC., A NEVADA
16 CORPORATION DOING BUSINESS
AS FIRST CHOICE BUSINESS
17 BROKERS, LAS VEGAS 101,

18 Plaintiff,

19 vs.

20 JACK GAAL, INDIVIDUALLY;
JACK'S PLACE BAR AND GRILL
21 LLC; DOES I through X; AND ROE
CORPORATIONS XI through XX,

22 Defendant.
23
24

CASE NO. : A-18-776982-C

DEPT. NO. : 27

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

25 The above-captioned matter came before the Honorable Nancy Allf for trial
26 beginning on June 1, 2020 through June 10, 2020. Present at trial were Rock
27 Rocheleau, Esq. and Assly Sayyar, Esq. on behalf of Plaintiff LAS VEGAS 101 INC.,
28 A NEVADA CORPORATION DOING BUSINESS AS FIRST CHOICE BUSINESS

1 BROKERS, LAS VEGAS 101 ("First Choice" or "Plaintiff"), and David Winterton,
2 Esq. on behalf of Defendant JACK GAAL, INDIVIDUALLY ("Gaal") and Defendant
3 JACK'S PLACE BAR AND GRILL LLC ("Jack's Place") (jointly "the Defendants").
4 The Court hereby makes the following Findings of Fact and Conclusions of Law and
5 enters the following ruling:

6 **FINDINGS OF FACT**

7 1. Plaintiff entered into two written agreements with Gaal and Jack's Place: the
8 "Exclusive Listing Agreement" (Ex. 10) and the "Asset Purchase Agreement" (Ex.
9 7) with their related ancillary documents incorporated therein by reference as
10 admitted into evidence.

11 2. The Exclusive Listing Agreement included as part of its listing real estate/real
12 property located at 544 Nevada Highway, Boulder City, NV 89005, the building on
13 that real estate, and the business operation of "Jack's Place Bar and Grill" also known
14 as "Jack's Place Sports Bar and Grill" from the inception of the listing (hereinafter
15 referred to as "the real estate, the building, and the business operations").

16 3. Under the terms of the Exclusive Listing Agreement and ancillary documents
17 incorporated therein by reference, Defendants again and again indicated they had the
18 power and authority to list for sale the real estate, the building, and the business
19 operations.

20 4. Under the terms of the Exclusive Listing Agreement and ancillary documents
21 incorporated therein by reference, Defendants, each of them, had an obligation to
22 provide due diligence documentation to any buyer they contracted with and the
23 Defendants failed to do so.

24 5. The Exclusive Listing Agreement is a contract in compliance with and in
25 accordance with NRS 645.320 as it meets all requirements of that statute.

26 6. Upon Defendants executing the Asset Purchase Agreement, Plaintiff earned
27 and was entitled to be paid its "Fee" or "Commission" as defined in the Exclusive
28 Listing Agreement. The execution of the Asset Purchase Agreement by Defendants
constituted a "Disposition of the Business" as defined in the Exclusive Listing

1 Agreement.

2 7. Under the terms of the Asset Purchase Agreement, Defendants again and again
3 indicated they had the power and authority to complete the sales transaction which
4 included the real estate, the building, and the business operations.

5 8. The wife of Defendant Gaal also executed documents (See Ex. 14A), that
6 further supported Plaintiff's reasonable reliance that Defendants had the power and
7 authority to list and then sell the real estate, the building, and the business operations.

8 9. Plaintiff had a right to rely on Defendants' representations that they had the
9 power and authority to enter into a business broker listing by and through the
10 Exclusive Listing Agreement that included real estate, the building, and the business
11 operations. Plaintiff's belief in and reliance on Defendants' authority and power was
12 reasonable.

13 10. Plaintiff had the right to rely on Defendants' representations that they had the
14 power and authority to enter into and complete the sales transaction with buyer,
15 Angel Soto, by and through the Asset Purchase Agreement that included the real
16 estate, the building, and the business operations. Plaintiff's belief in and reliance on
17 Defendants' authority and power was reasonable.

18 11. The deal contemplated by the parties under the Exclusive Listing Agreement
19 and the Asset Purchase Agreement always included the real property identified as 244
20 Nevada Highway, Boulder City, Nevada,

21 12. Defendant Gaal personally guaranteed performance under the terms of both the
22 Exclusive Listing Agreement and Asset Purchase Agreement.

23 13. Defendants attempting to raise arguments regarding potential improper vesting
24 of a title deed is not sufficient to avoid performance or liability under either of the
25 written contracts.

26 14. Angel Soto, was a credible witness and it is reasonable to find he had sufficient
27 assets to complete the purchase under the Asset Purchase Agreement whether
28 utilizing his own assets or through obtaining a bank loan.

15. No terms of any trust were offered into evidence and therefore there was no
credible evidence that Defendant Gaal did not have authority list and to sell the real

1 estate, the building, and the business operations.

2 16. Defendants failed to produce due diligence documents under the terms of either
3 written agreement.

4 17. Defendants failed to pay the "Fee" earned by Plaintiff.

5 18. There is no ambiguity in the terms of either of the written contracts.

6 19. Defendants had a duty to cooperate and communicate and failed in that duty.

7 20. Defendants' "seller's remorse" is not a sufficient excuse to demand a new listing
8 agreement or sales agreement.

9 21. Plaintiff has performed under the terms of the Exclusive Listing Agreement and
10 Asset Purchase Agreement and is entitled to receive its "Fee."

11 **CONCLUSIONS OF LAW**

12 1. Plaintiff prevails on its claim of breach of contracts against Defendants, each
13 of them, establishing all necessary elements by a preponderance of the evidence.
14 Defendants have materially breached the terms of the Asset Purchase Agreement and
15 the Exclusive Listing Agreement causing Plaintiff damage.

16 2. Plaintiff prevails on its claim for breach of the covenant of good faith and fair
17 dealing against Defendants, each of them, establishing all necessary elements by a
18 preponderance of the evidence. Defendants have acted against the spirit of the terms
19 of the Asset Purchase Agreement and the Exclusive Listing Agreement causing
20 Plaintiff damage.

21 3. The Exclusive Listing Agreement satisfies the requirements of NRS 645.320,
22 and the statutory definition of "client" under NRS 645.

23 4. Plaintiff incurred damages arising from breach of contracts and breach of the
24 implied covenant of good faith and fair dealing breaches as follows: \$100,000.00
25 "Fee" due and owing along with interest accruing at a rate of 18% per annum from
26 February 2, 2018 onward until paid in full. Plaintiff is awarded its "Fee" and all pre
27 and post judgment interest accruing thereon from February 2, 2018 against
28 Defendants, each of them, on a joint and several basis.

5. Plaintiff is also entitled to recover attorney fees and costs pursuant to the terms
of the written agreements by and through submission of a separate post judgment

1 motion. What amount of attorney fees and costs may be awarded by this subsequent
2 motion will be due and owing to Plaintiff by Defendants, each of them, on a joint and
3 several basis.

4 6. Judgment will be formally entered based on this Finding of Fact and
5 Conclusions of Law and any order granting any subsequent motion for attorney fees
6 and costs.

7 IT IS SO ORDERED.

8 Dated this _____ day of _____, 2021.

9
10 Dated this 16th day of June, 2021

11 Nancy L Allf
12 DISTRICT COURT JUDGE

13 Respectfully Submitted:

14 
15
16 **009 32F 2492 49F5**
17 **Nancy Allf**
18 **District Court Judge**

19 ROCHELEAU LAW GROUP
20 dba RIGHT LAWYERS
21 ROCK ROCHELEAU, ESQ. (SBN 15315)
22 600 South Tonopah Drive, Suite 300
23 Las Vegas, Nevada 89106
24 Tel: 702-914-0400
25 rock@rightlawyers.com
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

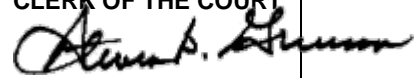
4
5
6 Las Vegas 101 Inc, Plaintiff(s) | CASE NO: A-18-776982-C
7 vs. | DEPT. NO. Department 27
8 Jack Gaal, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/16/2021

15 Rock Rocheleau	rock@rightlawyers.com
16 Autumn Wheeler	autumn@davidwinterton.com
17 Autumn Wheeler	autumn@davidwinterton.com
18 David Winterton	david@davidwinterton.com
19 Right Lawyers	info@rightlawyers.com
20 Assly Sayyar	assly@vistalawyer.net
21	
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28	



NED
ROCHELEAU LAW GROUP
dba RIGHT LAWYERS
Rock Rocheleau
Nevada Bar No. 15315
Assly Sayyar, Esq.
Nevada Bar No. 9178
600 South Tonopah Drive, Suite 300
Las Vegas, Nevada 89106
702-914-0400
702-914-0256 (fax)
Attorney for Plaintiff

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

LAS VEGAS 101 INC., A NEVADA
CORPORATION DOING BUSINESS
AS FIRST CHOICE BUSINESS
BROKERS, LAS VEGAS 101,

Plaintiff,

vs.

JACK GAAL, INDIVIDUALLY;
JACK'S PLACE BAR AND GRILL
LLC; DOES I through X; AND ROE
CORPORATIONS XI through XX,,

Defendant.

CASE NO. : A-18-776982-C
DEPT. NO. : 27

**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS
OF LAW**

1 Please take notice that the Findings of Fact and Conclusions of Law was
2 entered in the above entitled matter on **June 16, 2021**, a copy of which is attached
3 hereto.

4 Dated this 21st day of June 2021.

5 **RIGHT Lawyers**

6
7
8 /s/: Rock Rocheleau

9 Rock Rocheleau, Esq.

10 Nevada Bar No. 15315

Assly Sayyar, Esq.

11 Nevada Bar No. 9178

600 South Tonopah Drive, Suite 300

12 Las Vegas, Nevada 89106

702-914-0400

13 702-914-0256 (fax)

14 Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP, I certify that I am an employee of RIGHT
3 LAWYERS, and that on this 21st day of June, 2021, I served a copy of the
4 foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND**
5 **CONCLUSION OF LAW** as follows:
6

7 Pursuant to EDCR 8.05 (a), EDCR 8.05(f), NRCP 5(b)(2)(D) and
8 Administrative Order 14-2 captioned “In the Administrative Matter of
9 Mandatory Electronic Service in the Eight Judicial District Court,” by
10 mandatory electronic service through the Eight Judicial District Court’s
11 electronic filing system:
12

13 David Winterton- david@davidwinterton.com
14 Autumn Wheeler- autumn@davidwinterton.com
Attorney for Defendant

15
16 /s/: Adriana Rodriguez
An employee of Right Lawyers
17
18
19
20
21
22
23
24

1 ROCHELEAU LAW GROUP
2 dba RIGHT LAWYERS
3 ROCK ROCHELEAU, ESQ. (SBN 15315)
4 600 South Tonopah Drive, Suite 300
5 Las Vegas, Nevada 89106
6 Tel: 702-914-0400
7 rock@rightlawyers.com

8 *Attorney for Plaintiff*

9 ASSLY SAYYAR, ATTORNEY AT LAW, INC.
10 ASSLY SAYYAR, ESQ. (SBN 9178)
11 5550 Painted Mirage Rd. #320
12 Las Vegas, Nevada 89149
13 Tel: 760-542-8717
14 Fax: 760-444-3560
15 assly@vistalawyer.net

16 *Associate Counsel for Plaintiff*

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28
EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

29 LAS VEGAS 101 INC., A NEVADA
30 CORPORATION DOING BUSINESS
31 AS FIRST CHOICE BUSINESS
32 BROKERS, LAS VEGAS 101,

33 Plaintiff,

34 vs.

35 JACK GAAL, INDIVIDUALLY;
36 JACK'S PLACE BAR AND GRILL
37 LLC; DOES I through X; AND ROE
38 CORPORATIONS XI through XX,

39 Defendant.

CASE NO. : A-18-776982-C
DEPT. NO. : 27

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

40 The above-captioned matter came before the Honorable Nancy Allf for trial
41 beginning on June 1, 2020 through June 10, 2020. Present at trial were Rock
42 Rocheleau, Esq. and Assly Sayyar, Esq. on behalf of Plaintiff LAS VEGAS 101 INC.,
43 A NEVADA CORPORATION DOING BUSINESS AS FIRST CHOICE BUSINESS

1 BROKERS, LAS VEGAS 101 ("First Choice" or "Plaintiff"), and David Winterton,
2 Esq. on behalf of Defendant JACK GAAL, INDIVIDUALLY ("Gaal") and Defendant
3 JACK'S PLACE BAR AND GRILL LLC ("Jack's Place") (jointly "the Defendants").
4 The Court hereby makes the following Findings of Fact and Conclusions of Law and
5 enters the following ruling:

6 FINDINGS OF FACT

7 1. Plaintiff entered into two written agreements with Gaal and Jack's Place: the
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9 7) with their related ancillary documents incorporated therein by reference as
10 admitted into evidence.

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12 property located at 544 Nevada Highway, Boulder City, NV 89005, the building on
13 that real estate, and the business operation of "Jack's Place Bar and Grill" also known
14 as "Jack's Place Sports Bar and Grill" from the inception of the listing (hereinafter
15 referred to as "the real estate, the building, and the business operations").

16 3. Under the terms of the Exclusive Listing Agreement and ancillary documents
17 incorporated therein by reference, Defendants again and again indicated they had the
18 power and authority to list for sale the real estate, the building, and the business
19 operations.

20 4. Under the terms of the Exclusive Listing Agreement and ancillary documents
21 incorporated therein by reference, Defendants, each of them, had an obligation to
22 provide due diligence documentation to any buyer they contracted with and the
23 Defendants failed to do so.

24 5. The Exclusive Listing Agreement is a contract in compliance with and in
25 accordance with NRS 645.320 as it meets all requirements of that statute.

26 6. Upon Defendants executing the Asset Purchase Agreement, Plaintiff earned
27 and was entitled to be paid its "Fee" or "Commission" as defined in the Exclusive
28 Listing Agreement. The execution of the Asset Purchase Agreement by Defendants
constituted a "Disposition of the Business" as defined in the Exclusive Listing

1 Agreement.

2 7. Under the terms of the Asset Purchase Agreement, Defendants again and again
3 indicated they had the power and authority to complete the sales transaction which
4 included the real estate, the building, and the business operations.

5 8. The wife of Defendant Gaal also executed documents (See Ex. 14A), that
6 further supported Plaintiff's reasonable reliance that Defendants had the power and
7 authority to list and then sell the real estate, the building, and the business operations.

8 9. Plaintiff had a right to rely on Defendants' representations that they had the
9 power and authority to enter into a business broker listing by and through the
10 Exclusive Listing Agreement that included real estate, the building, and the business
11 operations. Plaintiff's belief in and reliance on Defendants' authority and power was
12 reasonable.

13 10. Plaintiff had the right to rely on Defendants' representations that they had the
14 power and authority to enter into and complete the sales transaction with buyer,
15 Angel Soto, by and through the Asset Purchase Agreement that included the real
16 estate, the building, and the business operations. Plaintiff's belief in and reliance on
17 Defendants' authority and power was reasonable.

18 11. The deal contemplated by the parties under the Exclusive Listing Agreement
19 and the Asset Purchase Agreement always included the real property identified as 244
20 Nevada Highway, Boulder City, Nevada,

21 12. Defendant Gaal personally guaranteed performance under the terms of both the
22 Exclusive Listing Agreement and Asset Purchase Agreement.

23 13. Defendants attempting to raise arguments regarding potential improper vesting
24 of a title deed is not sufficient to avoid performance or liability under either of the
25 written contracts.

26 14. Angel Soto, was a credible witness and it is reasonable to find he had sufficient
27 assets to complete the purchase under the Asset Purchase Agreement whether
28 utilizing his own assets or through obtaining a bank loan.

15. No terms of any trust were offered into evidence and therefore there was no
credible evidence that Defendant Gaal did not have authority list and to sell the real

1 estate, the building, and the business operations.

2 16. Defendants failed to produce due diligence documents under the terms of either
3 written agreement.

4 17. Defendants failed to pay the "Fee" earned by Plaintiff.

5 18. There is no ambiguity in the terms of either of the written contracts.

6 19. Defendants had a duty to cooperate and communicate and failed in that duty.

7 20. Defendants' "seller's remorse" is not a sufficient excuse to demand a new listing
8 agreement or sales agreement.

9 21. Plaintiff has performed under the terms of the Exclusive Listing Agreement and
10 Asset Purchase Agreement and is entitled to receive its "Fee."

11 **CONCLUSIONS OF LAW**

12 1. Plaintiff prevails on its claim of breach of contracts against Defendants, each
13 of them, establishing all necessary elements by a preponderance of the evidence.
14 Defendants have materially breached the terms of the Asset Purchase Agreement and
15 the Exclusive Listing Agreement causing Plaintiff damage.

16 2. Plaintiff prevails on its claim for breach of the covenant of good faith and fair
17 dealing against Defendants, each of them, establishing all necessary elements by a
18 preponderance of the evidence. Defendants have acted against the spirit of the terms
19 of the Asset Purchase Agreement and the Exclusive Listing Agreement causing
20 Plaintiff damage.

21 3. The Exclusive Listing Agreement satisfies the requirements of NRS 645.320,
22 and the statutory definition of "client" under NRS 645.

23 4. Plaintiff incurred damages arising from breach of contracts and breach of the
24 implied covenant of good faith and fair dealing breaches as follows: \$100,000.00
25 "Fee" due and owing along with interest accruing at a rate of 18% per annum from
26 February 2, 2018 onward until paid in full. Plaintiff is awarded its "Fee" and all pre
27 and post judgment interest accruing thereon from February 2, 2018 against
28 Defendants, each of them, on a joint and several basis.

5. Plaintiff is also entitled to recover attorney fees and costs pursuant to the terms
of the written agreements by and through submission of a separate post judgment

1 motion. What amount of attorney fees and costs may be awarded by this subsequent
2 motion will be due and owing to Plaintiff by Defendants, each of them, on a joint and
3 several basis.

4 6. Judgment will be formally entered based on this Finding of Fact and
5 Conclusions of Law and any order granting any subsequent motion for attorney fees
6 and costs.

7 IT IS SO ORDERED.

8 Dated this _____ day of _____, 2021.

9
10 Dated this 16th day of June, 2021

11 
12 DISTRICT COURT JUDGE

13 Respectfully Submitted:

14 
15
16 **009 32F 2492 49F5**
17 **Nancy Allf**
18 **District Court Judge**

19 **ROCHELEAU LAW GROUP**
20 **dba RIGHT LAWYERS**
21 **ROCK ROCHELEAU, ESQ. (SBN 15315)**
22 **600 South Tonopah Drive, Suite 300**
23 **Las Vegas, Nevada 89106**
24 **Tel: 702-914-0400**
25 **rock@rightlawyers.com**
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Las Vegas 101 Inc, Plaintiff(s) | CASE NO: A-18-776982-C
7 vs. | DEPT. NO. Department 27
8 Jack Gaal, 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 Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 6/16/2021

15 Rock Rocheleau	rock@rightlawyers.com
16 Autumn Wheeler	autumn@davidwinterton.com
17 Autumn Wheeler	autumn@davidwinterton.com
18 David Winterton	david@davidwinterton.com
19 Right Lawyers	info@rightlawyers.com
20 Assly Sayyar	assly@vistalawyer.net
21	
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 10, 2018

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
---------------	---

October 10, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Stacy M. Winterton, David J	Attorney Attorney
-----------------	---	----------------------

JOURNAL ENTRIES

- DEFT'S MOTION TO STAY PROCEEDING PENDING ARBITRATION AND TO COMPEL ARBITRATION...OPPOSITION TO MOTION TO STAY PROCEEDING PENDING ARBITRATION AND TO COMPEL ARBITRATION AND COUNTERMOTION TO COMPEL MEDIATION

Mr. Winterton stated parties have agreed to do mediation and stay matter. Colloquy regarding type of mediation. Upon inquiry of Court if parties wanted to participate in the Court's settlement program, both counsel agreed. Paperwork regarding how to set up a settlement conference in District Court provided to counsel. COURT ORDERED, matter SET for status check on chamber calendar, parties to provide a status report, by either fax or e-mail, to Court by January 4, 2018 and a hearing will be set if needed, Deft's Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration and Opposition to Motion to Stay Proceeding Pending Arbitration and to Compel Arbitration and Countermotion to Compel Mediation OFF CALENDAR. Ms. Rocheleau to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	January 03, 2019
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
---------------	---

January 03, 2019	10:30 AM	Settlement Conference
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HEARD BY: Bell, Linda Marie	COURTROOM: RJC Courtroom 10E
------------------------------------	-------------------------------------

COURT CLERK: Kimberly Estala

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- SETTLEMENT CONFERENCE.

Parties participated in a settlement conference and did not come to a resolutions however discussions are on going.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

May 14, 2019

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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May 14, 2019	1:00 PM	Settlement Conference
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HEARD BY: Bell, Linda Marie	COURTROOM: No Location
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COURT CLERK: Kimberly Estala

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- SETTLEMENT CONFERENCE

Parties participated in a settlement conference and a settlement was not reached.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	June 05, 2019
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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June 05, 2019	9:00 AM	Mandatory Rule 16 Conference
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HEARD BY: Alf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Stacy M. Winterton, David J	Attorney Attorney
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JOURNAL ENTRIES

- Colloquy as initial disclosures, witnesses, and time needed for discovery. COURT ORDERED, deadline for initial disclosures is June 14,2019; discovery cut off will be December 31, 2019, and deadline to file Joint Case Conference Report (JCCR) will be June 28, 2019.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	January 19, 2021
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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January 19, 2021	3:00 AM	Minute Order	Minute Order: Calendar Call set 2/4/2021 CONTINUED to 1/28/2021
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HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- For judicial economy and to keep attorneys updated on trial settings, COURT ORDERED, calendar calls currently scheduled for February 4, 2021 at 10:30 a.m. CONTINUED to January 28, 2021 at 11:00 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/19/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 27, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, 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 28, 2021, 2020 at 10:30 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.

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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.

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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 1/27/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 28, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, Defendant(s)

January 28, 2021 10:30 AM Calendar Call

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

COURT CLERK: Louisa Garcia

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- Counsel announced ready for trial and anticipate eight (8) full days. Colloquy regarding scheduling. COURT ORDERED, trial date VACATED and RESET. Court advised all exhibits have to be electronic; counsel to work out with law clerk.

3/25/21 10:00 AM STATUS CHECK: TRIAL READINESS

3/29/21 9:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	March 09, 2021
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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March 09, 2021	3:00 AM	Minute Order	Minute Order: BlueJeans Appearance
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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 10, 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>

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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 3/9/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 10, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
---------------	---

March 10, 2021	10:00 AM	Motion for Summary Judgment
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HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- All parties present via the BlueJeans Application.

Court noted it's inclination to deny the motion due to there being issues of material fact. Arguments by Mr. Winterton and Ms. Sayyar regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Summary Judgment DENIED for reasons provided in the opposition. Plaintiff's counsel to prepare the order, include specific issues of fact in dispute in the order, and provide the order to opposing counsel as to form. Colloquy regarding trial setting. Ms. Sayyar stated she believes the trial would be five to eight days. COURT ORDERED, trial and status check on trial readiness VACATED and SET for the April trial stack, parties to be able to provide availability for trial with them to the Calendar Call.

4/15/2021 10:30 AM CALENDAR CALL

4/19/2021 10:30 AM BENCH TRIAL

PRINT DATE: 06/25/2021

Page 11 of 21

Minutes Date: October 10, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	May 14, 2021
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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May 14, 2021	3:00 AM	Minute Order	Minute Order: BlueJeans Appearance
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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 14, 2021, 4:15 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. 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.

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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 5/14/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

May 14, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, Defendant(s)

May 14, 2021 4:15 PM Motion to Continue Trial

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

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Jack Gaal	Defendant
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- All appearances made by the BlueJeans Videoconferencing Application.

Arguments by counsel regarding the merits and opposition to the motion. COURT ORDERED, Defendant's Emergency Motion to Continue Trial GRANTED. Court stated it would take Ms. Sayyar's suggestion with regard to whether or not there was an attempt to delay or whether or not Plaintiff is entitled to fees and costs for consideration at a later time. COURT ORDERED, matter SET for special status check setting. Mr. Winterton to prepare the order and submit it opposing counsel for approval as to form.

5/20/2021 1:30 PM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract	COURT MINUTES	May 18, 2021
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A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
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May 18, 2021	3:00 AM	Minute Order
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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 20, 2021, 1:30 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. 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 #

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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 5/18/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

May 20, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, Defendant(s)

May 20, 2021 1:30 PM Status Check

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

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- All appearances by the BlueJeans Videoconferencing Application.

Mr Winterton provided an update as to Defendant's medical condition. Upon inquiry of Court as to length of trial, counsel stated it would be three to five days. Colloquy regarding trial availability. COURT ORDERED, firm trial date SET.

6/1/2021 10:00 AM BENCH TRIAL
6/2/2021 1:00 PM BENCH TRIAL
6/4/2021 10:00 AM BENCH TRIAL
6/10/2021 1:00 PM BENCH TRIAL
6/11/2021 10:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

June 01, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
---------------	---

June 01, 2021 10:00 AM Bench Trial

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

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Jack Gaal	Defendant
	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- Counsel stipulated to exhibits on the record. Exclusionary rule invoked. Colloquy regarding housekeeping matter. Opening statements by Mr. Rocheleau and Mr. Winterton. Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

CONTINUED TO: 6/2/2021 2:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

June 02, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, Defendant(s)

June 02, 2021 2:00 PM Bench Trial

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

COURT CLERK: Jennifer Lott

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- Jeffrey Nyman and Philip Neuenswander present.

Testimony and exhibits presented. (See worksheets). Colloquy regarding scheduling witnesses. After a break, the matter was recalled. PLAINTIFF RESTED. Mr. Winterton stated Deft's first witness will be called Friday morning. Trial schedule discussed. COURT ORDERED, Trial CONTINUED.

6-4-2021 10:00 a.m. Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

June 04, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s)
	vs.
	Jack Gaal, Defendant(s)

June 04, 2021 10:00 AM Bench Trial

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

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Rocheleau, Michael Rock	Attorney
	Sayyar, Assly	Attorney
	Winterton, David J	Attorney

JOURNAL ENTRIES

- Mr. Winterton stated Mr. Gaal had an emergency medical matter and would not be present at this time. Ms. Sayyar objected to any continuance due to Mr. Gaal's absence. Response by Mr. Winterton. Court stated defendant is entitled to appear and make his record. Mr. Rocheleau objected to Mr. Northrup as the next witness due to there being no disclosure. Matter trailed for Mr. Winterton to review when Mr. Northrup was disclosed.

RECALLED. Same parties present.

Mr. Winterton stated they did not list Mr. Winterton earlier. Offer of proof as to testimony Mr. Northrup would have offered had he been a witness. CONFERENCE AT THE BENCH. Court stated there was a colloquy off the record and ORDERED, trial CONTINUED.

CONTINUED TO: 6/10/2021 1:30PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

June 10, 2021

A-18-776982-C	Las Vegas 101 Inc, Plaintiff(s) vs. Jack Gaal, Defendant(s)
---------------	---

June 10, 2021 1:00 PM Bench Trial

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

COURT CLERK: April Watkins

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Jack Gaal Rocheleau, Michael Rock Sayyar, Assly Winterton, David J	Defendant Attorney Attorney Attorney
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JOURNAL ENTRIES

- Testimony and exhibits presented. (See worksheets).

Closing arguments by counsel.

Court stated findings and ORDERED, verdict in favor of Pltf.

Pltf's counsel to prepare the findings of fact and conclusions of law.

Fees and costs to be done by motion.

Case No.: A-18-776982-C

Hearing / Trial Date: 5/17/2021

Dept. No.: 27

Judge: Nancy Allf

Court Clerk: Nicole McDevitt

Plaintiff: LAS VEGAS 101 INC., A Nevada Corporation Doing Business as FIRST CHOICE BUSINESS BROKERS, LAS VEGAS 101,

Recorder / Reporter: Brynn White

Counsel for Plaintiff: Rock Rocheleau

vs.

Defendant: JACK GAAL, individually, JACK'S PLACE BAR AND GRILL LLC; DOES I through X and ROE CORPORATIONS XI through XX

Counsel for Defendant: David J. Winterton

HEARING / TRIAL BEFORE THE COURT

PLAINTIFF'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	First Choice Buyer Profile Bates Nos. D-000001 – D-000002	6/1/21	Stip	6/1/21	WA
2	First Choice Buyer Confidentiality and Non-Disclosure Agreement Bates Nos. D-000002 – D-000004	6/1/21	no	6/1/21	WA
3	Duties Owed Bates Nos. D-000005	6/1/21	Stip	6/1/21	WA
4	Consent to Act Bates Nos. D-000006	6/1/21	Stip	6/1/21	WA
5	Bulk Sale Opening Checklist Bates Nos. D-000007	6/1/21	no	6/1/21	WA
6	Counteroffer #1 Bates Nos. D-000008	6/1/21	Stip	6/1/21	WA
7	First Choice Asset Purchase Agreement Bates Nos. D-000009 – D-000017	6/1/21	Stip	6/1/21	WA
8	Angel Soto Check Bates Nos. D-000018	6/1/21	no	6/1/21	WA
9	Documents required in Due Diligence Bates Nos. D-000019	6/1/21	no	6/1/21	WA
10	First Choice Listing Agreement Bates Nos D-000020 - D-000025	6/1/21	Stip	6/1/21	WA
11	Appraisal Report Bates Nos. D-0000026 – D-0000068				WA
12	Escrow Receipt Bates Nos. D-0000069 – D0000069	6/1/21	obj	-	WA
13	Listing with First Choice Business Brokers Bates Nos D-0000069-0000156				WA
14	Email Correspondence Bates Nos D-0000157-0000214				WA
15	Letter from Jared R. Johnson Bates Nos D-0000215				WA
16	Letter from Ken R. Ashworth Bates Nos D-0000216				WA

**LAS VEGAS 101 INC., A Nevada Corporation
Doing Business as FIRST CHOICE
BUSINESS BROKERS, LAS VEGAS 101,**

VS. **JACK GAAL, individually, JACK'S PLACE BAR
AND GRILL LLC; DOES I through X and ROE
CORPORATIONS XI through XX**

[illegible]

**LAS VEGAS 101 INC., A Nevada Corporation
Doing Business as FIRST CHOICE
BUSINESS BROKERS, LAS VEGAS 101,**

**JACK GAAL, individually, JACK'S PLACE BAR
AND GRILL LLC; DOES I through X and ROE
CORPORATIONS XI through XX**

[illegible]

**LAS VEGAS 101 INC., A Nevada Corporation
Doing Business as FIRST CHOICE
BUSINESS BROKERS, LAS VEGAS 101,**

**JACK GAAL, individually, JACK'S PLACE BAR
AND GRILL LLC; DOES I through X and ROE
CORPORATIONS XI through XX**

[illegible]

Case No.: A-18-776982-C

Hearing / Trial Date: 5/17/2021

Dept. No.: 27

Judge:

Court Clerk:

Plaintiff: LAS VEGAS 101 INC., A Nevada Corporation Doing Business as FIRST CHOICE BUSINESS BROKERS, LAS VEGAS 101,

Recorder / Reporter:

Counsel for Plaintiff: Rock Rocheleau

vs.

Defendant: JACK GAAL, individually, JACK'S PLACE BAR AND GRILL LLC; DOES I through X and ROE CORPORATIONS XI through XX

Counsel for Defendant: David J. Winterton

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
0 500	Exclusive right to Sell Listing Agreement				WA
501	Limited Liability Company Resolution to Sell				WA
502	Document Request				WA
503	Duties Owed				WA
504	Consent to Act				WA
505	Contingency non-release				WA
506	Listing Data Input sheet				WA
507	Seller's Discretionary Earning Worksheet				WA
508	Limited Liability Company Resolution to Sell				WA
509	Business License Information & Seller Certification				WA
510	Financial and Property Disclosures				WA
511	Business Valuation	6/10/21	OBJ OR	6/10/21	WA
512	Confidential Business Questionnaire				WA
513	Buyer's Profile				WA
4 514	Buyer's Duties Owed				WA
					WA

Case No: A-18-776982-C

LAS VEGAS 101 INC., A Nevada Corporation
Doing Business as **FIRST CHOICE**
BUSINESS BROKERS, LAS VEGAS 101,

VS.

JACK GAAL, individually, JACK'S PLACE BAR
AND GRILL LLC; DOES I through X and ROE
CORPORATIONS XI through XX

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
515	Buyer's Consent to Act				WA
516	Bulk Sales Checklist				WA
517	Asset Purchase Agreement				WA
518	Earnest Money Deposit Check				WA
519	Due Diligence list				WA
520	Counter-Offer to Asset Purchase Agreement				WA
521	Tax Full				WA
522	Jared R. Johnson Letter				WA
523	Bank Statements				WA
524	Insurance Documents				WA
525	Permits				WA
526	Merchant account records				WA
527	Real Property Records				WA
528	Answer to Interrogatories				WA
529	Answers to Request for Production of Documents				WA



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

DAVID J. WINTERTON, ESQ.
7881 W. CHARLESTON BLVD., STE 220
LAS VEGAS, NV 89117

DATE: June 25, 2021
CASE: A-18-776982-C

RE CASE: LAS VEGAS 101, INC., DBA FIRST CHOICE BUSINESS BROKERS vs. JACK GAAL; JACK'S
PLACE BAR AND GRILL, LLC

NOTICE OF APPEAL FILED: June 23, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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; FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

LAS VEGAS 101, INC., DBA FIRST CHOICE
BUSINESS BROKERS,

Plaintiff(s),

vs.

JACK GAAL; JACK'S PLACE BAR AND
GRILL, LLC,

Defendant(s),

Case No: A-18-776982-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 25 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

