

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDITH SALTER, INDIVIDUALLY;
JOSHUA KANER, INDIVIDUALLY;
AND JOSHUA KANER AS GUARDIAN
AND NATURAL PARENT OF SYDNEY
KANER, A MINOR,

Appellants,

vs.

EDWARD RODRIGUEZ MOYA, AN
INDIVIDUAL; AND BERENICE
DOMENZAIN-RODRIGUEZ, AN
INDIVIDUAL,

Respondents.

Supreme Court No. 83239
Electronically Filed
Aug 04 2021 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev.

340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth Department: 6
County: Clark County Judge: Jacqueline M. Bluth
District Court Case No.: A-20-827003-C

2. Attorney filing this docketing statement:

Attorney: Daniel R. Price, Esq. Telephone: (702) 941-0503

Firm: Price Beckstrom, PLLC

Address: 1404 South Jones Boulevard, Las Vegas, Nevada 89146

Client(s): Judith Salter; Joshua Kaner, individually; Joshua Kaner, as guardian and natural parent of Sydney Kaner, a Minor

3. Attorney(s) representing respondent(s):

Attorney: Darrell Dennis, Esq.; Michael Smith, Esq.

Telephone: (702) 893-3383

Firm: Lewis Brisbois Bisgaard & Smith LLP

Address: 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118

Clients: Edward Rodriguez Moya

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of Jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input checked="" type="checkbox"/> Other (specify): Motion to enforce settlement granted |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify) |

5. Does this appeal raise issues concerning any of the following: N/A

- ☐ Child Custody
☐ Venue
☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is a personal injury case arising from a motor vehicle collision. Appellants presented claims to Respondent's insurance carrier, who denied the claims without seeing any medical records and closed the file. Appellants offered to settle their claims and specified performance as the only method for acceptance of the offer. Defendant, and his insurance carrier, did not perform,

but sent a letter offering settlement on different, though similar, terms. Appellants filed the district court action and Respondent filed a motion to enforce settlement. After briefing the district court denied Respondent's motion without hearing. Respondent's sought reconsideration and the district court granted that motion on clear error basis. This appeal followed.

9. Issues on appeal. State concisely the principal issues in this appeal (attach separate sheets as necessary):

- A. Whether the district court erred when it concluded that Respondent's letter extending a settlement offer constituted valid acceptance of Appellant's settlement offer that limited acceptance to performance and Respondent did not perform.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

If so, explain: N/A

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

Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Based upon NRAP 17(b)(5) this case is presumptively assigned to the Court of Appeals as the district court's order would render judgment in the amount of \$50,000.

14. Trial. If this action proceeded to trial, how many days did the trial last?

N/A

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

N/A

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from:

July 10, 2021

17. Date written notice of entry of judgment or order was served:

July 12, 2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing

☐ NRCP 52(b) Date of filing

☐ NRCP 59 Date of filing

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion:

(c) Date written notice of entry of order resolving tolling motion was served:

Was service by:

☐ Delivery

☐ Mail/electronic/fax

19. Date notice of appeal filed:

July 14, 2021

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

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

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

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify):

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) provides for appeal from a final judgment and the order entered on July 10, 2021, in the district court resolved all claims in the action resulting in dismissal of the action, constituting a final judgment.

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

(a) Parties:

Judith Salter, Plaintiff

Joshua Kaner, individually as natural parent and guardian of Sydney Kaner,
Plaintiff

Edward Rodriguez Moya, Defendant

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

N/A

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

N/A

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

☒ Yes

☐ No

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

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

- (c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)? N/A

☐ Yes

☐ No

- (d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment? N/A

☐ Yes

☐ No

26. If you answered “No” to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

N/A

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

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

Exhibit	Document Description
1	Complaint (filed 12/25/2020)
2	Order granting reconsideration of order denying motion to enforce settlement (filed 7/10/2020)
3	Notice of entry of order granting reconsideration of order denying motion to enforce settlement (filed 7/12/2020)

VERIFICATION

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

Judith Salter; Joshua Kaner, individually
and as guardian and natural parent of
Syndey Kaner, a minor

Name of appellant

Daniel R. Price, Esq.

Name of counsel of record

August 4, 2021

Date

/s/ Daniel R. Price

Signature of counsel of record

Clark County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Docketing Statement Civil Appeals* was filed with the Supreme Court of Nevada on the date indicated below and electronic service of the same shall be made in accordance with the Master Service List as follows:

Darrell Dennis, Esq.
Michael Smith, Esq.
Attorneys for Defendant Edward Rodriguez Moya

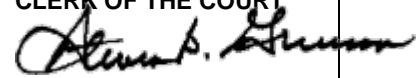
DATED this 4th day of August, 2021.

/s/ Daniel Price

Price Beckstrom, PLLC

EXHIBIT 1

EXHIBIT 1



CASE NO: A-20-827003-C
Department 6

COMP

Daniel R. Price (NV Bar No. 13564)
Christopher Beckstrom (NV Bar No. 14031)
PRICE BECKSTROM, PLLC
1404 S. Jones Blvd.
Las Vegas, Nevada 89146
Phone: (702) 941-0503
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info@pbnv.law
Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JUDITH SALTER, individually; JOSHUA
KANER, individually; and JOSHUA KANER as
guardian and natural parent of SYDNEY
KANER, a minor;

Plaintiffs,

v.

EDWARD RODRIGUEZ MOYA, an individual;
BERENICE DOMENZAIN-RODRIGUEZ, an
individual; DOE OWNERS I-V; DOE
DRIVERS I-V; ROE EMPLOYERS I-V and
ROE COMPANIES I-V;

Defendants.

Case No.:

Dept. No.:

COMPLAINT

COMES NOW the Plaintiffs, JUDITH SALTER, individually; JOSHUA KANER, individually; and JOSHUA KANER as guardian and natural parent of SYDNEY KANER, a minor; by and through counsel, Christopher Beckstrom, Esq., and Daniel R. Price, Esq., of the law firm of PRICE BECKSTROM, PLLC, and for their causes of action against the Defendants, and each of them, alleges as follows:

1. That Plaintiff, JUDITH SALTER, was at all times relevant to this action a resident and citizen of the State of Nevada.

1 2. That Plaintiff, JOSHUA KANER, was at all times relevant to this action a resident
2 and citizen of the State of Nevada.

3 3. That Plaintiff, SYDNEY KANER, was at all times relevant to this action a resident
4 and citizen of the State of Nevada.

5 4. Upon information and belief, that at all times relevant to this action Defendant
6 EDWARD RODRIGUEZ MOYA and/or DOE DRIVERS I-V is and was a citizen of the State of
7 Nevada, and was driving the automobile owned by BERENICE DOMENZAIN-RODRIGUEZ,
8 EDWARD RODRIGUEZ MOYA, and/or Defendant DOE OWNERS I-V at the time of the
9 collision.

10 5. That at all times relevant to this action, Defendant BERENICE DOMENZAIN-
11 RODRIGUEZ and/or DOE OWNERS I-V was a citizen of the State of Nevada, and was an owner of
12 the automobile driven by Defendant EDWARD RODRIGUEZ MOYA at the time of the collision.

13 6. Defendants DOE OWNERS I-V, are and were residents and citizens of Nevada, and
14 were the registered owner(s) of the automobile being operated by Defendant EDWARD
15 RODRIGUEZ MOYA and/or Defendants DOE DRIVERS I-V at the time of the incident described
16 herein.

17 7. That at all times relevant to this action, Defendant ROE COMPANIES I-V were
18 entities doing business in the State of Nevada, and were directing the actions of DEFENDANTS,
19 and each of them, at the time of the incident herein described.

20 8. That at all times relevant to this action, Defendant ROE EMPLOYERS I-V were
21 entities doing business in the State of Nevada, and were directing the actions and employment of
22 DEFENDANTS, and each of them, at the time of the incident herein described.

23 9. That the true names and capacities, whether individual, corporate, partnership,
24 associate or otherwise, of Defendants, DOE OWNERS I-V, DOE DRIVERS I-V, ROE

1 EMPLOYERS I-V, and ROE COMPANIES I-V, are unknown to Plaintiffs, who therefore sue said
2 Defendants by such fictitious names. Plaintiffs are informed and believe and thereon allege that each
3 of the Defendants designated herein as DOE and ROE are responsible in some manner for the events
4 and happenings referred to and caused damages proximately to Plaintiffs as herein alleged, and that
5 Plaintiffs will ask leave of this Court to amend this Complaint to insert the true names and capacities
6 of each Defendant named as DOE and/or ROE, when the same have been ascertained, and to join
7 such Defendants in this action.

8 10. Defendants designated herein as ROE COMPANIES I through V, and each of them,
9 are predecessors-in-interest, successors-in-interest, and/or agencies otherwise in a joint venture with,
10 and/or serving as an alter ego of, any and/or all Defendants named herein; and/or are entities
11 responsible for the supervision of the individually named Defendants at the time of the events and
12 circumstances alleged herein; and/or are entities employed by and/or otherwise directing the
13 individual Defendants in the scope and course of their responsibilities at the time of the events and
14 circumstances alleged herein; and/or are entities otherwise contributing in any way to the acts
15 complained of and the damages alleged to have been suffered by the Plaintiffs herein. Plaintiffs are
16 informed and, on that basis believes and thereon alleges, that each of the Defendants designated as a
17 ROE COMPANY is in some manner negligently, vicariously, and/or statutorily responsible for the
18 events and happenings referred to and caused damages to Plaintiffs as herein alleged. Plaintiffs will
19 seek leave of court to amend this complaint to insert the true names of such Defendants when the
20 same have been ascertained.

21 11. All events referenced in this Complaint occurred in Clark County, Nevada.

22 12. This Court has jurisdiction over this matter under NRS 14.065 and NRS 4.370(1), as
23 the facts alleged occurred in Clark County, Nevada and involve an amount in controversy in excess
24

1 of \$15,000.00. Venue is proper pursuant to NRS 13.040, as Defendants resided in Clark County,
2 Nevada at the commencement of this action.

3 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

4 13. Plaintiffs repeat and reallege the allegations as contained in the preceding paragraphs
5 herein, and incorporate the same by reference.

6 14. That on or about July 25, 2020, Defendant Edward Rodriguez Moya was driving a
7 vehicle on North Rancho Drive in a southward direction, near the intersection with West Bonanza
8 Road.

9 15. Defendant Edward Rodriguez Moya was driving his vehicle and was either distracted,
10 did not pay attention, or was driving his vehicle at an unsafe rate of speed. He drove his car into the
11 rear of a vehicle that was stopped on the roadway for a red light or for traffic.

12 16. Plaintiff Judith Salter was in the driver's seat of the vehicle that Defendant Rodriguez
13 hit from behind. Plaintiff Joshua Kaner was in the front passenger's seat, and his daughter Sydney
14 Kaner was restrained in a car seat in the rear of the vehicle in the seat behind the driver's seat.

15 17. Each of the Plaintiffs were injured as a result of the collision.

16 18. The collision occurred in Clark County, Nevada.

17 19. That at the time of the collision herein complained of, and immediately prior thereto,
18 Defendants, and each of them, in breaching a duty owed to Plaintiffs, were negligent and careless,
19 inter alia, in the following particulars:

20 A. In failing to keep Defendant's Vehicle under proper control;

21 B. In operating Defendant's Vehicle without due caution for the rights of the Plaintiffs;

22 C. In failing to obey all traffic control devices;

23 D. Negligent entrustment;

24 E. Vicarious liability through the operation of NRS 41.440;

1 F. Respondeat superior;

2 G. Negligent hiring, training, and maintenance;

3 G. The Defendants, and each of them, were negligent *per se* in violating certain state and
4 local statutes, rules, regulations, codes and ordinances, and Plaintiffs will pray leave of Court to
5 insert the exact citations of any other violations at the time of trial.

6 20. Defendant BERENICE DOMENZAIN-RODRIGUEZ, as an owner of the
7 Defendants' vehicle, was negligent in entrusting the same to Defendant EDWARD RODRIGUEZ
8 MOYA, who she knew or should have known was an unsafe, unqualified driver.

9 21. As a direct and proximate result of the aforesaid negligence and carelessness of
10 Defendants, and each of them, Plaintiffs suffered physical injury and were otherwise injured in and
11 about their neck, back, legs, arms, organs, and systems, and were otherwise injured and caused to
12 suffer great pain of body and mind, and all or some of the same is chronic and may be permanent
13 and disabling, all to their damage in an amount in excess of \$15,000.00.

14 22. As a direct and proximate result of the aforesaid negligence and carelessness of the
15 Defendants, and each of them, Plaintiffs have been caused to expend monies for medical and
16 miscellaneous expenses, and will in the future be caused to expend additional monies for medical
17 expenses and miscellaneous expenses incidental thereto, in a sum not yet presently ascertainable, all
18 of which Plaintiffs will claim as medical special damages for medical bills incurred as a direct and
19 proximate result of the motor vehicle collision described herein, and leave of Court will be requested
20 to include said additional damages when the same have been fully determined.

21 23. Prior to the injuries complained of herein, Plaintiffs Judith Salter and Joshua Kaner
22 were able-bodied, capable of being gainfully employed and capable of engaging in all other
23 activities for which they were caused to be disabled and limited and restricted related to occupation
24 and activities, which caused them a loss of wages in an amount unascertainable at this time, and/or

1 diminution of their earning capacity and future loss of wages, all to their damage in a sum not yet
2 presently ascertainable, the allegations of which they pray leave of Court to insert herein when the
3 same shall be fully determined.

4 24. Plaintiffs have been required to retain the law firm of PRICE BECKSTROM, PLLC to
5 prosecute this action and are entitled to a reasonable attorney fee award.

6 25. Plaintiffs are also entitled to an award for costs including interest on costs at the
7 statutory rate, an itemization for which will be provided in at the appropriate time.

8 WHEREFORE, Plaintiffs, expressly reserving the right herein to amend this Complaint at the
9 time of trial, to include all items of damage not yet ascertained, demand judgment against the
10 Defendants, and each of them, as follows:

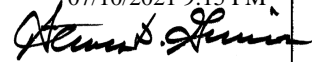
- 11 1. For each Plaintiff, general damages, in an amount in excess of \$15,000.00, to be set forth
12 and proven at the time of trial;
- 13 2. For each Plaintiff, special damages in an amount in excess of \$15,000.00, to be set forth
14 and proven at the time of trial;
- 15 3. For each Plaintiff, reasonable attorney fees;
- 16 4. For each Plaintiff, cost of suit incurred; and
- 17 5. For each Plaintiff, such other relief as to the Court seems just and proper.

18 Dated this 25th day of December, 2020.

19 /s/ Daniel R. Price
20 Daniel R. Price (NV Bar No. 13564)
21 Christopher Beckstrom (NV Bar No. 14031)
22 PRICE BECKSTROM, PLLC
23 1404 S. Jones Blvd.
24 Las Vegas, Nevada 89146

EXHIBIT 2

EXHIBIT 2


CLERK OF THE COURT

ORDR

DARRELL D. DENNIS

Nevada Bar No. 006618

MICHAEL R. SMITH

Nevada Bar No. 12641

LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Boulevard, Suite 600

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E-Mail: Darrell.Dennis@lewisbrisbois.com

E-Mail: Michael.R.Smith@lewisbrisbois.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

JUDITH SALTER, individually; JOSHUA
KANER, individually; and JOSHUA KANER
as guardian and natural parent of SYDNEY
KANER, a minor;

Plaintiffs,

vs.

EDWARD RODRIGUEZ MOYA, an
individual; BERENICE DOMENZIAN-
RODRIGUEZ, an individual; DOE OWNERS
I-V; DOE DRIVERS I-V; and ROE
COMPANIES I-V;

Defendants.

Case No. A-20-827003-C

Dept. No.: VI

ORDER

Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement Agreement, having come on for Hearing before Honorable Jacqueline Bluth of Department Six of the Eighth Judicial District Court for the State of Nevada on May 25, 2021, with Daniel R. Price, Esq. and Christopher Beckstrom, Esq. of the law firm Price Beckstrom, PLLC appearing on behalf of plaintiffs and Michael R. Smith, Esq., of the law firm Lewis Brisbois Bisgaard & Smith, LLP, appearing on behalf of Defendants, the Court having entertained argument from counsel and for good cause appearing therefore:

THE COURT FINDS that The Court's March 15, 2021, Minute Order, entered by the Court on April 22, 2021 denying Defendants' Motion to Enforce Settlement is clearly erroneous, as The

1 Court failed to properly consider, among other things, the potential for future or additional exposure
2 to liability for Defendants, Defendants' automobile liability insurance carrier, and plaintiff's counsel
3 and the necessary assurances for protection of the interests of the minor plaintiff;

4 THE COURT ALSO FINDS that the Plaintiffs' Settlement Offer dated October 22, 2020,
5 was a valid offer insofar as it articulated sufficient material terms to allow for full and final
6 settlement;

7 THE COURT ALSO FINDS that it would not have been impossible for Defendants to tender
8 a single settlement draft to plaintiffs in response to the Plaintiffs' Settlement Offer dated October
9 22, 2020, albeit subject to the potential for future or additional exposure to liability for Defendants,
10 Defendants automobile liability insurance carrier, and plaintiffs' counsel and the necessary
11 assurances for the protection of the interests of the minor plaintiff as discussed above;

12 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020, was a
13 valid Acceptance of plaintiff's Offer insofar as the Defendants' Letter dated November 12, 2020,
14 expressed an acceptance of plaintiffs' material terms as articulated in the Plaintiff's Settlement Offer
15 dated October 22, 2020;

16 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020, was a
17 valid acceptance of plaintiffs' offer and sought guidance from plaintiffs' counsel as to manner of
18 acceptance, i.e., how the settlement drafts should be written and delivered;

19 THE COURT ALSO FINDS that the valid Offer and Acceptance were present sufficient to
20 form an Agreement;

21 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020,
22 requested guidance on the distribution of settlement funds and issuance of settlement drafts such
23 that without response and guidance from the plaintiffs' counsel, it was impossible for Defendants
24 to perform under the Agreement;

25 THE COURT ALSO FINDS that the Defendants were unable to move forward with
26 Performance of the Agreement;

27 ///

28 ///

1 THE COURT ALSO FINDS that the Agreement shall be enforced.

2 THEREFORE,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD
4 RODRIGUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of
5 Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement
6 Agreement is GRANTED;

7 IT IS ALSO HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants
8 EDWARD RODRIGUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion to Enforce
9 Settlement Agreement is GRANTED;

10 IT IS ALSO HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiffs' case
11 will be DISMISSED WITH PREJUDICE.

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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement Agreement is GRANTED; and

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion to Enforce Settlement Agreement is GRANTED; and

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiffs' case shall be DISMISSED WITH PREJUDICE.

~~DATED this _____ day of June, 2021.~~

Dated this 10th day of July, 2021



EIGHTH JUDICIAL
DISTRICT COURT JUDGE

Respectfully submitted by:

LEWIS BRISBOIS BISGAARD & SMITH, LLP

CCA 079 7E7D D88D
Jacqueline M. Bluth
District Court Judge

MT
kj

/s/ Michael R. Smith
Michael R. Smith
Nevada Bar No. 12641
6385 So. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants

Approved as to form and content:

/s/ Daniel R. Price
Daniel R. Price
Nevada Bar No. 13564
1404 South Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiffs

Schroeder, Brenda

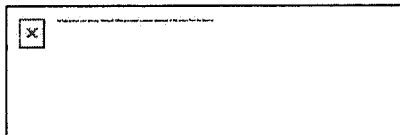
From: Daniel Price <daniel@pbnv.law>
Sent: Thursday, June 17, 2021 4:11 PM
To: Smith, Michael R. (LV)
Cc: Schroeder, Brenda; Stephanie Amundsen; Christopher Beckstrom
Subject: Re: [EXT] Re: Salter v. Moya - Order

Michael,

Thank you for the additional revisions. If you will correct the title of the document in the caption to reflect that it is an order, not a motion, you may then affix my electronic signature for submission to the department.

Sincerely,

Daniel Price
Price Beckstrom, PLLC
1404 S Jones Blvd, Las Vegas, NV 89146
Call: 702-941-0503 | Text: 702-941-0503 | Fax: 702-832-4026
www.pbnv.law



1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Judith Salter, Plaintiff(s)

CASE NO: A-20-827003-C

7 vs.

DEPT. NO. Department 6

8 Edward Rodriguez Moya,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/12/2021

15 Darrell Dennis

darrell.dennis@lewisbrisbois.com

16 Carrie Dunham

carrie.dunham@lewisbrisbois.com

17 Abigail Prince

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18 Michael Smith

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19 Price Beckstrom, PLLC Eservice

info@pbnv.law

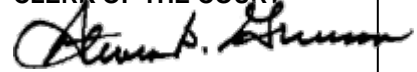
20 Brenda Schroeder

brenda.schroeder@lewisbrisbois.com

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EXHIBIT 3

EXHIBIT 3



DARRELL D. DENNIS
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MICHAEL R. SMITH
Nevada Bar No. 12641
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
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E-Mail: Michael.R.Smith@lewisbrisbois.com
Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

JUDITH SALTER, individually; JOSHUA
KANER, individually; and JOSHUA KANER
as guardian and natural parent of SYDNEY
KANER, a minor;

Plaintiffs,

vs.

EDWARD RODRIGUEZ MOYA, an
individual; BERENICE DOMENZIAN-
RODRIGUEZ, an individual; DOE OWNERS
I-V; DOE DRIVERS I-V; and ROE
COMPANIES I-V;

Defendants.

Case No. A-20-827003-C

Dept. No.: VI

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order on Defendants EDWARD RODRIGUEZ and
BERENICE DOMENZIAN-RODRIGUEZ' Motion for Reconsideration of Court's March 15,
2021, Minute Order Denying Defendants' Motion to Enforce Settlement Agreement was entered
with the Court in the above-entitled case on the 10th day of July, 2021, a copy of which is

///

///

1 attached hereto.

2
3 DATED this 12th day of July, 2021.

4
5 LEWIS BRISBOIS BISGAARD & SMITH LLP

6 By: */s/ Michael R. Smith*

7 DARRELL D. DENNIS

8 Nevada Bar No. 006618

9 MICHAEL R. SMITH

10 Nevada Bar No. 12641

11 6385 S. Rainbow Boulevard, Suite 600

12 Las Vegas, Nevada 89118

13 *Attorneys for Defendants*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of LEWIS BRISBOIS
3 BISGAARD & SMITH LLP and that on this 12th day of July, 2021, I did cause a true copy of the
4 foregoing **NOTICE OF ENTRY OR ORDER**, to be served via the Court's electronic filing and
5 service system to all parties on the current service list.

6 Daniel R. Price
7 Christopher Beckstrom
8 **PRICE BECKSTROM, PLLC**
9 1404 South Jones Blvd.
10 Las Vegas, NV 89146
11 *Attorneys for Plaintiff*

12 By /s/ Brenda Schroeder
13 An Employee of
14 LEWIS BRISBOIS BISGAARD & SMITH LLP
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Heather S. Smith
CLERK OF THE COURT

ORDR

DARRELL D. DENNIS

Nevada Bar No. 006618

MICHAEL R. SMITH

Nevada Bar No. 12641

LEWIS BRISBOIS BISGAARD & SMITH LLP

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E-Mail: Michael.R.Smith@lewisbrisbois.com

Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

JUDITH SALTER, individually; JOSHUA
KANER, individually; and JOSHUA KANER
as guardian and natural parent of SYDNEY
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individual; BERENICE DOMENZIAN-
RODRIGUEZ, an individual; DOE OWNERS
I-V; DOE DRIVERS I-V; and ROE
COMPANIES I-V;

Defendants.

Case No. A-20-827003-C

Dept. No.: VI

ORDER

Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement Agreement, having come on for Hearing before Honorable Jacqueline Bluth of Department Six of the Eighth Judicial District Court for the State of Nevada on May 25, 2021, with Daniel R. Price, Esq. and Christopher Beckstrom, Esq. of the law firm Price Beckstrom, PLLC appearing on behalf of plaintiffs and Michael R. Smith, Esq., of the law firm Lewis Brisbois Bisgaard & Smith, LLP, appearing on behalf of Defendants, the Court having entertained argument from counsel and for good cause appearing therefore:

THE COURT FINDS that The Court's March 15, 2021, Minute Order, entered by the Court on April 22, 2021 denying Defendants' Motion to Enforce Settlement is clearly erroneous, as The

1 Court failed to properly consider, among other things, the potential for future or additional exposure
2 to liability for Defendants, Defendants' automobile liability insurance carrier, and plaintiff's counsel
3 and the necessary assurances for protection of the interests of the minor plaintiff;

4 THE COURT ALSO FINDS that the Plaintiffs' Settlement Offer dated October 22, 2020,
5 was a valid offer insofar as it articulated sufficient material terms to allow for full and final
6 settlement;

7 THE COURT ALSO FINDS that it would not have been impossible for Defendants to tender
8 a single settlement draft to plaintiffs in response to the Plaintiffs' Settlement Offer dated October
9 22, 2020, albeit subject to the potential for future or additional exposure to liability for Defendants,
10 Defendants automobile liability insurance carrier, and plaintiffs' counsel and the necessary
11 assurances for the protection of the interests of the minor plaintiff as discussed above;

12 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020, was a
13 valid Acceptance of plaintiff's Offer insofar as the Defendants' Letter dated November 12, 2020,
14 expressed an acceptance of plaintiffs' material terms as articulated in the Plaintiff's Settlement Offer
15 dated October 22, 2020;

16 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020, was a
17 valid acceptance of plaintiffs' offer and sought guidance from plaintiffs' counsel as to manner of
18 acceptance, i.e., how the settlement drafts should be written and delivered;

19 THE COURT ALSO FINDS that the valid Offer and Acceptance were present sufficient to
20 form an Agreement;

21 THE COURT ALSO FINDS that the Defendants' Letter dated November 12, 2020,
22 requested guidance on the distribution of settlement funds and issuance of settlement drafts such
23 that without response and guidance from the plaintiffs' counsel, it was impossible for Defendants
24 to perform under the Agreement;

25 THE COURT ALSO FINDS that the Defendants were unable to move forward with
26 Performance of the Agreement;

27 ///

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1 THE COURT ALSO FINDS that the Agreement shall be enforced.

2 THEREFORE,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD
4 RODRIGUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of
5 Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement
6 Agreement is GRANTED;

7 IT IS ALSO HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants
8 EDWARD RODRIGUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion to Enforce
9 Settlement Agreement is GRANTED;

10 IT IS ALSO HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiffs' case
11 will be DISMISSED WITH PREJUDICE.

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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion for Reconsideration of Court's March 15, 2021, Minute Order Denying Defendants' Motion to Enforce Settlement Agreement is GRANTED; and

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants EDWARD RODRIQUEZ and BERENICE DOMENZIAN-RODRIGUEZ's Motion to Enforce Settlement Agreement is GRANTED; and

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiffs' case shall be DISMISSED WITH PREJUDICE.

~~DATED this _____ day of June, 2021.~~

Dated this 10th day of July, 2021



EIGHTH JUDICIAL
DISTRICT COURT JUDGE

Respectfully submitted by:

LEWIS BRISBOIS BISGAARD & SMITH, LLP

CCA 079 7E7D D88D
Jacqueline M. Bluth
District Court Judge

MT
kj

/s/ Michael R. Smith

Michael R. Smith
Nevada Bar No. 12641
6385 So. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants

Approved as to form and content:

/s/ Daniel R. Price

Daniel R. Price
Nevada Bar No. 13564
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Las Vegas, NV 89146
Attorneys for Plaintiffs

Schroeder, Brenda

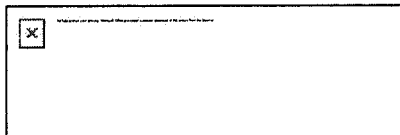
From: Daniel Price <daniel@pbnv.law>
Sent: Thursday, June 17, 2021 4:11 PM
To: Smith, Michael R. (LV)
Cc: Schroeder, Brenda; Stephanie Amundsen; Christopher Beckstrom
Subject: Re: [EXT] Re: Salter v. Moya - Order

Michael,

Thank you for the additional revisions. If you will correct the title of the document in the caption to reflect that it is an order, not a motion, you may then affix my electronic signature for submission to the department.

Sincerely,

Daniel Price
Price Beckstrom, PLLC
1404 S Jones Blvd, Las Vegas, NV 89146
Call: 702-941-0503 | Text: 702-941-0503 | Fax: 702-832-4026
www.pbnv.law



1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 Judith Salter, Plaintiff(s)

CASE NO: A-20-827003-C

7 vs.

DEPT. NO. Department 6

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