

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC; SJC VENTURES
HOLDING COMPANY, LLC,

Appellants

vs.

CBC PARTNERS I, LLC; CBC
PARTNERS, LLC; 5148 SPANISH
HEIGHTS, LLC

Respondents.

Supreme Court Case No. 83407

District Court Case No. 20-81849-B
Electronically Filed
Jan 10 2022 02:02 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' MOTION TO STAY BRIEFING SCHEDULE PENDING
RESOLUTION OF THE STAY OF PROCEEDINGS IN THE
UNDERLYING DISTRICT COURT AND ADJUDICATION OF
FORECLOSURE PROCEEDINGS**

Appellants Spanish Heights Acquisition Company, LLC (“SHAC”) and SJC Ventures Holding Company, LLC (“SJC Ventures”) respectfully file this motion to stay the appeal briefing schedule pending the resolution of the stay of proceedings in the underlying district court case and the adjudication of foreclosure proceedings, which may obviate the need for this appeal.

Good cause supports the granting of this motion for the following reasons:

1. On August 18, 2021 Appellants filed their Notice of Appeal, appealing the order appointing a receiver over SHAC entered into the Eighth Judicial District Court on August 10, 2021.

2. The case was transferred to the Settlement Program; the parties were unable to reach a settlement. As such, the briefing was reinstated by the Order filed on September 28, 2021.

3. The underlying district court case was still moving forward to resolve the remaining issues not addressed in the May 7, 2021 Findings of Fact and Conclusions of Law, which is the subject of a separate appeal that has already been stayed (Case No. 82868).

4. On November 16, 2021, the Parties reached a settlement agreement on all claims, and the material terms were placed on the record.¹

5. As part of the settlement, the Receiver was excused from performing additional work pending the January 11, 2022 status check hearing or further order of the Court. Ex. 1.

6. Appellants were unable to make all of the scheduled payments with respect to that settlement agreement, and as a result, Respondents have indicated that a foreclosure sale of the Property at issue is set for February 1, 2022.

7. Accordingly, additional litigation will be ensuing in the underlying district court with respect to the impending foreclosure sale, beginning with a status check set for January 11, 2022, the results of which may impact the receiver's actions and work, which may obviate the need for this appeal.

8. Appellants are therefore requesting a thirty (30) day stay of the briefing schedule, to allow for the underlying litigation on the foreclosure sale to take place,

¹ See Order Granting the Parties Joint Oral Motion to Vacate the Trial Date and Stay the District Court Case Pending a Settlement between the Parties; **Exhibit 1**.

which may obviate the need for this appeal.

9. No party will be prejudiced by the granting of the requested stay, which is sought in an effort to allow completion of the underlying litigation on the potential foreclosure of the property at issue.

10. Appellants believe that a stay of proceedings is appropriate to avoid potentially unnecessary further litigation and to conserve judicial resources.

DATED this 10th day of January, 2022.

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES

/s/ Danielle J. Barraza
JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on the 10th day of January, 2021, this document was electronically filed with the Nevada Supreme Court, thus electronic service of the foregoing **APPELLANTS' MOTION TO STAY BRIEFING SCHEDULE PENDING RESOLUTION OF THE STAY OF PROCEEDINGS IN THE UNDERLYING DISTRICT COURT AND ADJUDICATION OF FORECLOSURE PROCEEDINGS** shall be made in accordance with the Master Service List as follows:

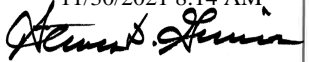
Michael R. Mushkin, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
*Attorneys for Defendants CBC Partners I, LLC, CBC Partners, LLC,
5148 Spanish Heights, LLC, and Dacia LLC*

/s/ Brandon Lopipero

An Employee of MAIER GUTIERREZ & ASSOCIATES

EXHIBIT 1

EXHIBIT 1


CLERK OF THE COURT

ORDR

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
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E-mail: jag@mgalaw.com
djb@mgalaw.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada Limited Liability
Company; SJC VENTURES HOLDING
COMPANY, LLC, d/b/a SJC VENTURES,
LLC, a Delaware Limited Liability Company,

Plaintiffs,

vs.

CBC PARTNERS I, LLC, a foreign Limited
Liability Company; CBC PARTNERS, LLC, a
foreign Limited Liability Company; 5148
SPANISH HEIGHTS, LLC, a Nevada Limited
Liability Company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and
the Kenneth M. Antos & Sheila M. Neumann-
Antos Trust; DACIA, LLC, a foreign Limited
Liability Company; DOES I through X; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-20-813439-B

Dept. No.: XXXI

**ORDER GRANTING THE PARTIES
JOINT ORAL MOTION TO VACATE
THE TRIAL DATE AND STAY THE
DISTRICT COURT CASE PENDING A
SETTLEMENT BETWEEN THE
PARTIES**

Hearing Date: November 16, 2021

Hearing Time: 3:00 p.m.

This matter came on for hearing before the Court on November 16, 2021, at 3:00 p.m., on the parties' joint oral motion to vacate the trial date and stay the District Court case pending a settlement between the parties.

///

1 Plaintiffs/Counterdefendants/Third Party Defendant were represented by Joseph A. Gutierrez,
2 Esq. of the law firm MAIER GUTIERREZ & ASSOCIATES. Defendants/Counterclaimants CBC Partners
3 I, LLC, CBC Partners I, LLC, Kenneth Antos and Sheila Neumann-Antos, Dacia, LLC and 5148
4 Spanish Heights, LLC was represented by Michael R. Mushkin, Esq. of the law firm MUSHKIN &
5 COPPEDGE.

6 The Court, having heard the argument of counsel present at the hearing, and good cause
7 appearing, hereby rules as follows:

8 Plaintiffs/Counter-defendants/Third-Party Defendant SJC Ventures LLC ("SJC Ventures"),
9 Spanish Heights Acquisition Company, LLC ("SHAC") and Jay Bloom (collectively referred to as
10 "Plaintiffs") on one hand and Defendants/Counterclaimants CBC Partners I, LLC, CBC Partners,
11 LLC, 5148 Spanish Heights, LLC, Kenneth Antos and Sheila Neumann-Antos as Trustees of the
12 Kenneth & Sheila Antos Living Trust and Kenneth M. Antos & Sheila M Neumann-Antos Trust
13 ("Antos Parties"), Dacia LLC on the other hand (collectively referred to as "Defendants" or "5148
14 Parties") (the Plaintiffs and 5148 Parties are collectively referred to as the "Parties").

15 The Parties have reached a settlement in this case, the material terms of which were placed on
16 the record, and filed an oral motion to immediately stay all claims pending the resolution of certain
17 payments under the settlement agreement.

18 The Parties agree to immediately vacate the November 17, 2021 scheduled jury trial and all
19 associated state court hearings set for November 15, 2021 and November 16, 2021.

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1 The Parties agree to participate in a status check set for January 11, 2022, in order to inform
2 the court if Plaintiffs made the January 5, 2022 payment under the settlement agreement.

3 The Parties agree that the Court Appointed Receiver, Larry Bertsch, shall be excused from
4 performing additional work pending the January 11, 2022 hearing or further order of the Court;
5 however, the Receiver may move forward with requests for payment on behalf of the Receiver and
6 his professionals.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Parties joint oral motion
8 to vacate the trial date and stay the District Court case pending a settlement between the Parties is
9 GRANTED.

10 DATED this ____ day of _____, 2021. Dated this 30th day of November, 2021

Joanna S. Kishner

11
12
13 Respectfully submitted,

14 **MAIER GUTIERREZ & ASSOCIATES**

15 */s/ Joseph A. Gutierrez*

16 JOSEPH A. GUTIERREZ, ESQ.
17 Nevada Bar No. 9046
18 DANIELLE J. BARRAZA, ESQ.
19 Nevada Bar No. 13822
20 8816 Spanish Ridge Avenue
21 Las Vegas, Nevada 89148
22 *Attorneys for Plaintiffs*

568 226 B323 4BE3
Joanna S. Kishner
District Court Judge
Approved ~~District Court Judge~~:

MUSHKIN & COPPEDGE

/s/ Michael R. Mushkin

MICHAEL R. MUSHKIN, ESQ.
Nevada Bar No. 2421
L. JOE COPPEDGE, ESQ.
Nevada Bar No. 4954
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
*Attorneys for Defendants/Counterclaimants CBC
Partners I, LLC and 5148 Spanish Heights, LLC*

23
24 Approved as to form and content:

25 **CARLYON CICA CHTD.**

26 *[Signature]*
27 CANDACE C. CARLYON, ESQ.
28 Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
265 E. Warm Springs Road, Suite 107
Las Vegas, Nevada 89119
Attorneys for Larry L. Bertsch, Receiver

Natalie Vazquez

From: Michael Mushkin <Michael@mccnvlaw.com>

Date: November 24, 2021 at 11:30:42 AM PST

To: Brandon Lopipero <bml@mgalaw.com>, Karen Foley <KFoley@mccnvlaw.com>

Cc: Danielle Barraza <djb@mgalaw.com>

Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

The order is fine with me. Please use my electronic signature.

MRM

Michael R. Mushkin, Esq.
Mushkin & Coppedge
6070 South Eastern Avenue, Ste 270
Las Vegas, NV 89119
(702) 454-3333 Phone
(702) 386-4979 Fax
www.mccnvlaw.com

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From: Brandon Lopipero <bml@mgalaw.com>

Sent: Wednesday, November 24, 2021 9:43 AM

To: Michael Mushkin <Michael@mccnvlaw.com>; Karen Foley <KFoley@mccnvlaw.com>

Cc: Danielle Barraza <djb@mgalaw.com>

Subject: Re: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Hi Michael,

Following up to confirm your ok with the receivers changes to the order?

Sent from my iPhone

On Nov 23, 2021, at 10:29 AM, Brandon Lopipero <bml@mgalaw.com> wrote:

Michael,

Please confirm if you are ok with the receiver's changes to the attached order? The court is requiring the receiver to sign off as well.

Thanks

Brandon M. Lopipero | Paralegal
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
bml@mgalaw.com | www.mgalaw.com

From: Cristina Robertson <crobertson@carlyoncica.com>
Sent: Tuesday, November 23, 2021 10:15 AM
To: Candace Carlyon <ccarlyon@carlyoncica.com>; Brandon Lopipero <bml@mgalaw.com>; Tracy O'Steen <tosteen@carlyoncica.com>
Cc: Danielle Barraza <djb@mgalaw.com>; Michael Mushkin <Michael@mccnvlaw.com>; Joseph Gutierrez <jag@mgalaw.com>
Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Good morning,

Please see the attached. Please contact our office if you have any questions.

Thank you.
Cristina Robertson
Carlyon Cica Chtd.
265 E. Warm Springs Rd. Ste. 107
Las Vegas, Nevada 89119
D 702.685.4444
CRobertson@CarlyonCica.com | www.ccclaw.vegas

From: Candace Carlyon <ccarlyon@carlyoncica.com>
Sent: Tuesday, November 23, 2021 10:08 AM
To: Brandon Lopipero <bml@mgalaw.com>; Tracy O'Steen <tosteen@carlyoncica.com>; Cristina Robertson <crobertson@carlyoncica.com>
Cc: Danielle Barraza <djb@mgalaw.com>; Michael Mushkin <Michael@mccnvlaw.com>; Joseph Gutierrez <jag@mgalaw.com>
Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Good morning. If the changes I made are acceptable you may submit with either my e-signature or my actual signature, which Cristina is sending over. Thank you. C

Candace Carlyon, Esq.
ccarlyon@carlyoncica.com
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

702.685.4444 (office)
702.577.3613 (direct)
702.220.4360 (facsimile)

From: Candace Carlyon
Sent: Tuesday, November 23, 2021 9:00 AM
To: Brandon Lopipero <bml@mgalaw.com>; Tracy O'Steen <tosteen@carlyoncica.com>
Cc: Danielle Barraza <djb@mgalaw.com>; Michael Mushkin <Michael@mccnvlaw.com>; Joseph Gutierrez <jag@mgalaw.com>
Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Good morning. My suggested changes attached, but waiting for client approval to sign off. I will get back to you this am. C

Candace Carlyon, Esq.
ccarlyon@carlyoncica.com
265 E. Warm Springs Road, Suite 107
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702.685.4444 (office)
702.577.3613 (direct)
702.220.4360 (facsimile)

From: Brandon Lopipero <bml@mgalaw.com>
Sent: Tuesday, November 23, 2021 8:58 AM
To: Candace Carlyon <ccarlyon@carlyoncica.com>; Tracy O'Steen <tosteen@carlyoncica.com>
Cc: Danielle Barraza <djb@mgalaw.com>; Michael Mushkin <Michael@mccnvlaw.com>; Joseph Gutierrez <jag@mgalaw.com>
Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Good morning Candace,

Following up on my below email.

Thank you.

Brandon M. Lopipero | Paralegal
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8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
bml@mgalaw.com | www.mgalaw.com

From: Brandon Lopipero
Sent: Monday, November 22, 2021 11:11 AM
To: 'CCarlyon@CarlyonCica.com' <CCarlyon@CarlyonCica.com>; 'TOSteen@CarlyonCica.com' <TOSteen@CarlyonCica.com>

Cc: Danielle Barraza <djb@mgalaw.com>; 'Michael Mushkin' <Michael@mccnvlaw.com>; Joseph Gutierrez <jag@mgalaw.com>
Subject: RE: Spanish Heights Acquisition v. CBC Partners / Case No. A-20-813439-B / Order to Vacate Trial and Stay Case

Morning Candace,

Please be advised that on November 16, 2021 the parties entered into an oral motion to vacate the trial date and stay the District Court case pending settlement between the parties. The court advised they could not process the order until we have your approval as well. Please review the attached order and confirm if we can add your electronic signature.

Thank you.

Brandon M. Lopipero | Paralegal
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Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
bml@mgalaw.com | www.mgalaw.com

From: Joseph Gutierrez <jag@mgalaw.com>
Sent: Tuesday, November 16, 2021 1:05 PM
To: Michael Mushkin <Michael@mccnvlaw.com>
Cc: Brandon Lopipero <bml@mgalaw.com>; Natalie Vazquez <ndv@mgalaw.com>; Danielle Barraza <djb@mgalaw.com>
Subject: RE: SHAC: draft order to stay

Done. Here is the revised draft order.

Natalie/Brandon – please finalize this draft order to submit to Judge Kishner today. We promised her we would submit before 5pm today.

Thanks,

Joseph A. Gutierrez
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
jag@mgalaw.com | www.mgalaw.com

From: Michael Mushkin <Michael@mccnvlaw.com>
Sent: Tuesday, November 16, 2021 1:02 PM
To: Joseph Gutierrez <jag@mgalaw.com>
Cc: Brandon Lopipero <bml@mgalaw.com>; Natalie Vazquez <ndv@mgalaw.com>; Danielle Barraza <djb@mgalaw.com>
Subject: Re: SHAC: draft order to stay

Joe

Please add after the word settlement, the material terms of which were placed on the record,

And I am good to go.

MRM

Sent from my iPhone

On Nov 16, 2021, at 12:45 PM, Joseph Gutierrez <jag@mgalaw.com> wrote:

Mike,

Let us know if you have any edits to this proposed order on the stay. If not, let us know if we have your approval to submit it to Judge Kishner's chambers.

Thanks,

Joseph A. Gutierrez
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
jag@mgalaw.com | www.mgalaw.com

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<Draft Order granting parties joint motion to vacate the trial date and stay.docx>

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Spanish Heights Acquisition
Company LLC, Plaintiff(s)

CASE NO: A-20-813439-B

7 vs.

DEPT. NO. Department 31

8
9 CBC Partners I LLC,
Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

15 Service Date: 11/30/2021

16 MGA Docketing	docket@mgalaw.com
17 Karen Foley	kfoley@mccnvlaw.com
18 Michael Mushkin	michael@mccnvlaw.com
19 Candace Carlyon	ccarlyon@carlyoncica.com
20 Tracy O'Steen	tosteen@carlyoncica.com
21 Nancy Rodriguez	nrodriguez@carlyoncica.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Cristiana Lopez	clopez@mccnvlaw.com

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27
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