

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CLEMENT MUNNEY; CHEF EXEC  
SUPPLIERS, LLC,

Appellant,

vs.

DOMINIQUE ARNOULD,

Respondent.

Case No.: **83641** Electronically Filed  
Jun 15 2022 04:35 p.m.  
Consolidated with Case No. 83869  
Elizabeth A. Brown  
Clerk of Supreme Court

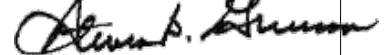
Appeal from the Eighth Judicial District  
Court, The Honorable Judge Nancy Allf  
Presiding.

**RESPONDENT'S ANSWERING APPENDIX**  
**(Bates Nos. 1-172)**

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8 **DISTRICT COURT**  
 9 **CLARK COUNTY, NEVADA**

10 DOMINIQUE ARNOULD,

11 Plaintiff/ Counter-Defendant,

12 vs.

13 CLEMENT MUNNEY; CHEF EXEC  
 14 SUPPLIERS, LLC; and DOES I through X,  
 15 inclusive; and ROE CORPORATIONS I through  
 16 X, inclusive,

17 Defendants/Counterclaimant.

Case No.: A-19-803488-B  
 Dept. No.: 27

18 **PLAINTIFF DOMINIQUE ARNOULD'S ANSWER TO DEFENDANTS'**  
 19 **COUNTERCLAIM**

20 Plaintiff DOMINIQUE ARNOULD (hereinafter "Arnould") by and through his attorneys  
 21 Marquis Aurbach Coffing, hereby answers to Defendants, CLEMENT MUNNEY (hereinafter  
 22 "Muney") and Chef Exec Suppliers, LLC (hereinafter "Chef Exec") Counterclaim as follows:

23 1. In answering Paragraph 1, 2, 5, 19, 55 of Defendants' Counterclaim,  
 24 Plaintiff/Counter-Defendant admits to the allegations contained therein.

25 2. In answering Paragraph 3, 6, 7, 8, 9, 10, 11, 14, 15, 17, 20, 21, 22, 23, 24, 25, 26,  
 26 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 52, 53, 54, 56, 57,  
 27 58 of Defendants' Counterclaim, Plaintiff/Counter-Defendant denies the allegations contained  
 28 therein.

3. In answering Paragraphs 18, 24, 30, 37, 45, 51 of Defendants' Counterclaim,  
 Plaintiff/Counter-Defendant repeats and realleges each and every response thereto.

1 4. In answering Paragraph 4 of Defendants' Counterclaim, Plaintiff/Counter-  
2 Defendant admits that he did the accounting, but denies the remaining allegations therein.

3 5. In answering Paragraph 12 of Defendants' Counterclaim, Plaintiff/Counter-  
4 Defendant lacks knowledge or information sufficient to form a belief about the truth of the  
5 allegation contained therein, and therefore, denies the same.

6 6. In answering Paragraph 13 of Defendants' Counterclaim, Plaintiff/Counter-  
7 Defendant admits that Chef Exec's Lease of the previous warehouse expired on September 30,  
8 2019. Plaintiff/Counter-Defendant lacks knowledge or information sufficient to form a belief  
9 about the truth contained in the remaining allegations therein, and therefore, denies the same.

10 7. In answering Paragraph 16 of Defendants' Counterclaim, Plaintiff/Counter-  
11 Defendant admits that in early 2019, he indicated that he wished to retire soon and wanted to be  
12 bought out from this portion of Chef Exec, but denies the remaining allegations herein.

13 **AFFIRMATIVE DEFENSES**

14 1. The counterclaim fails to state claims upon which relief can be granted.

15 2. Defendants' claims and damages, if any, are proximately and legally caused by  
16 parties over whom Plaintiff had no control.

17 3. Defendants' cause of action is barred by the doctrine of unclean hands and  
18 Defendants' failure to do equity.

19 4. Defendants' claims are barred under the equitable theory of laches.

20 5. Defendants' claims and damages, if any, have been willfully and intentionally  
21 overstated. Therefore, Defendants' claims are barred by Defendants' own malfeasance and  
22 misfeasance.

23 6. Defendants' damages, if any, are caused by their own actions, errors or omissions.

24 7. Defendants' damages, if any, are subject to offset.

25 8. Defendants' damages are barred by its breach of fiduciary duties.

26 9. Defendants have made allegations with knowledge of their actual falsity and  
27 therefore said claim is violative of the rules of civil procedure and therefore the stated claims  
28 should be dismissed.

10. Defendants' claims, and each of them, are barred due to fraud.

11. By virtue of Defendants' actions, conduct, and omissions, this answering Plaintiff has been released.

12. The claims of Defendants have been waived as a result of the acts and the conduct of the Defendants.

13. Defendants suffered no damage and therefore is not entitled to any relief.

14. Defendants, by their acts, conduct and/or omissions, have ratified the acts, conduct and omissions, if any, of answering Plaintiff; therefore, Defendants are barred from seeking any relief from answering Plaintiff.

15. The answering Plaintiff has not had sufficient time to prepare and obtain sufficient facts to determine all potential affirmative defenses. Therefore, the answering Plaintiff reserves the right to amend these affirmative defenses as additional facts are obtained and/or additional affirmative facts are discovered

**PRAYER FOR RELIEF**

1. That Defendants take nothing by way of their Counterclaims and that the same be dismissed with prejudice;

2. For an award of reasonable attorney fees and costs of suit; and

3. For any further relief as the Court deems to be just and proper.

Dated this 2nd day of December, 2019.

MARQUIS AURBACH COFFING

By /s/ Phillip S. Aurbach  
Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Attorneys for Plaintiff

**MARQUIS AURBACH COFFING**


10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFF DOMINIQUE ARNOULD'S**  
**ANSWER TO DEFENDANTS' COUNTERCLAIM** was submitted electronically for filing  
and/or service with the Eighth Judicial District Court on the 2nd day of December, 2019.  
Electronic service of the foregoing document shall be made in accordance with the E-Service  
List as follows:<sup>1</sup>


Robert Kern  
Melissa Milroy

Robert@Kernlawoffices.com  
Admin@KernLawOffices.com



an employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



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9 *Attorneys for Plaintiff*

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 DOMINIQUE ARNOULD,

9 Plaintiff/ Counter-Defendant,

Case No.: A-19-803488-B  
Dept. No.: 27

10 vs.

11 CLEMENT MUNNEY; CHEF EXEC  
12 SUPPLIERS, LLC; and DOES I through X,  
13 inclusive; and ROE CORPORATIONS I through  
14 X, inclusive,

15 Defendants/Counterclaimant.

16  
17 **ERRATA TO PLAINTIFF DOMINIQUE ARNOULD'S OPPOSITION TO**  
18 **DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

19 Plaintiff DOMINIQUE ARNOULD (hereinafter "Arnould") by and through his attorneys  
20 Marquis Aurbach Coffing, hereby submits their Errata to Plaintiff's Opposition to Motion for  
21 Partial Summary Judgment (hereinafter "Opposition").

22 Please note that Plaintiff inadvertently left out the word "not" in the sentence located on  
23 page 5, lines 10-13. Please correct the sentence to read: "Arnould believes and the facts indicate  
24 that dissolution is the only viable option for Chef Exec, because the disputes and disagreements  
25 between the Managers are so deep that it is **not** reasonably practicable to carry on the business of  
26 the Company." (citations omitted).

27 //

1 Please add the “not” as indicated above. All footnote citations and portions of the  
2 Opposition are to remain the same.

3 Dated this 20th day of December, 2019.

4  
5 MARQUIS AURBACH COFFING

6  
7 By /s/ Phillip S. Aurbach  
8 Phillip S. Aurbach, Esq.  
9 Nevada Bar No. 1501  
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15 *Attorneys for Plaintiff*  
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20  
21  
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28



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **ERRATA TO PLAINTIFF DOMINIQUE ARNOULD'S MOTION FOR PARTIAL SUMMARY JUDGMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20th day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

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Melissa Milroy

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Admin@KernLawOffices.com

/s/J. Case  
an employee of Marquis Aurbach Coffing

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6 acalaway@maclaw.com  
*Attorneys for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 DOMINIQUE ARNOULD,

10 Plaintiff,

11 vs.

Case No.: A-19-803488-B  
Dept. No.: 27

12 CLEMENT MUNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
13 inclusive; and ROE CORPORATIONS I through  
X, inclusive,

14 Defendants,

15 And related counterclaims.  
16

**HEARING REQUESTED**

17 **PLAINTIFF'S MOTION TO SELECT RECEIVER**

18 Plaintiff DOMINIQUE ARNOULD (hereinafter "Plaintiff" or "Arnould"), by and through  
19 his attorneys, Marquis Aurbach Coffing, hereby files his Motion to Select Receiver to the Court.

20 Dated this 5th day of June, 2020.

21 MARQUIS AURBACH COFFING

22 By /s/ Phillip S. Aurbach

23 Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
24 Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
*Attorneys for Plaintiff*

25 //

26 //

27 //

28 //

**MEMORANDUM OF POINTS AND AUTHORITIES.****I. BACKGROUND.**

The Parties came before this Court via virtual hearing on Friday May 22, 2020. The Court heard oral argument regarding, among other things, appointment of a receiver with limited powers ("Receiver") to observe the business affairs of Defendant Chef Exec Suppliers, LLC (the "Company"). The Court instructed that Plaintiff and Defendant Clement Muney ("Muney" or "Defendant") to select the Receiver by agreement or request the Court to select the Receiver. Unfortunately, the Parties have been unable to agree on who to select as a Receiver, and as such, Plaintiff provides the Court with the receiver candidates discussed between the parties. Therefore, Plaintiff respectfully requests this Court select among the candidates proposed herein.

**II. LEGAL STANDARD.**

Under NRS Chapter 86, *et seq.*, a court may appoint a receiver to manage designated aspects of a limited liability company. Receivers so appointed have, among the other powers, all the functions, Powers, tenure and duties afforded by the court. *See* NRS 86.5415(5); *see also* NRS 86.5417. If the court finds it appropriate, a receiver may also take full possession and control of the company's assets. *See* NRS 86.5418.

**III. THE RECEIVER CANDIDATES.****A. PLAINTIFF'S CANDIDATES.**

Plaintiff has provided Defendants with two (2) suggestions for a Receiver: Larry Bertsch, CPA, CFF ("Bertsch"); and Brian D. Shapiro, Esq ("Shapiro").

**1. Larry Bertsch, CPA, CFF as a Receiver.**

Mr. Bertsch is Plaintiff's first choice. Mr. Bertsch is the managing partner of an accounting firm here in Las Vegas, Nevada. *See Exhibit A*, attached hereto. He has had extensive experience as a Chapter 11 Trustee, Chapter 7 Operating Trustee, Special Master, Liquidating Trustee, and state-court appointed receiver. *See Exhibit B*, at p. 2, attached hereto. Notably Bertsch has been appointed as a receiver in state court over three dozen times in various partnership and ownership disputes. *Id.* at pgs. 2-3. Mr. Bertsch has also served as an expert witness in dozens of partnership

1 disputes, accounting disputes, and collection matters in both Nevada state and federal court. *Id.* at  
2 p. 5. Mr. Bertsch's rates vary depending on the matter, however, his fees range from \$255-  
3 \$395/hour. See **Exhibit C**.

4 Here, Mr. Bertsch is Plaintiff's first choice because his costs are more reasonable than  
5 others, and he has decades of experience in serving as an appointed receiver. Also, Plaintiff  
6 believes that if the limited powers of the receiver are expanded to a full receiver or a liquidating  
7 receiver under NRS Chapter 86, 5418, he also has apt experience in that arena. Mr. Bertsch's fees  
8 are also lower than other suggestions made by Defendants.

9 **2. Brian D. Shapiro, Esq. as a Receiver.**

10 Mr. Shapiro is Plaintiff's second choice. Mr. Shapiro has over 19 years of experience, as a  
11 licensed attorney in California and Nevada. See **Exhibit D**, attached hereto. Mr. Shapiro is  
12 currently a United States Bankruptcy Trustee within the District of Nevada, a mediator and  
13 arbitrator for the State Bar of Nevada, a former board member of the Southern Nevada Association  
14 of Bankruptcy Attorneys, a founding member of the pro bono bankruptcy panel for the United  
15 States Bankruptcy Court, District of Nevada, a volunteer for the Boyd School of Law at the  
16 University of Nevada Las Vegas, the creator of Financial Education for Elementary Students and  
17 a highly respected attorney in Las Vegas, Nevada. See *id.*

18 Mr. Shapiro is Plaintiff's second choice due to his experience as a Chapter 11 & 7  
19 bankruptcy trustee. Mr. Shapiro's bankruptcy experience includes learning about the businesses  
20 he is appointed to oversee in bankruptcy. Mr. Shapiro would be able to use his skills as a mediator  
21 and arbitrator to stay neutral in this matter and sort through the issues the Parties have in running  
22 the Company and help the Parties fairly reach a resolution in this case. As such, Mr. Shapiro is  
23 Plaintiff's second choice.

24 **B. DEFENDANTS' CANDIDATES.**

25 Defendants have proposed Andrew Martin, CPA, CFE ("Martin") and Dotan Melek  
26 ("Melek") to be appointed as the receiver in this action. Defendants did not provide Plaintiffs with  
27 any information on Mr. Melek, so Plaintiff cannot speak to Mr. Melek's suitability. Defendants  
28 did, however, provide significant information from Mr. Martin.

1 Mr. Martin wrote a proposal to the Parties' counsel in this matter to be considered as an  
2 independent, neutral, expert to examine financial matters and report on specific questions of each  
3 party. *See Exhibit E*, attached hereto. Mr. Martin is CPA with some interesting accounting and  
4 forensic accounting experience. *Id.* Mr. Martin and his firm have experience in forensic audits,  
5 fraud examination, and expert testimony related to accounting. *Id.* at p. 2. Mr. Martin's  
6 professional experience primarily includes accounting work. *Id.* at p. 5. Notably, Mr. Martin's  
7 CFE ("Certified Fraud Examiner") credentials are excellent. *See id.* Mr. Martin charges \$300 per  
8 hour. *Id.*

9 **IV. SUGGESTIONS TO THE COURT.**

10 After reviewing the information provided by the candidates, Plaintiff suggests that Mr.  
11 Bertsch be appointed in this case as the Receiver. Mr. Bertsch has considerable receiver  
12 experience. Defendants' primary candidate, Mr. Martin, has strong CFE experience, but it is not  
13 anticipated that fraud examiner experience is necessary in this case. Similarly, since the receiver  
14 is only a *limited* receiver with limited powers to observe the Company's books, a heavy forensic  
15 accounting/auditing background is also unnecessary.

16 In a word, this case will likely need a Receiver who has experience with state-court  
17 appointments of receivership and experience with liquidating companies. Mr. Bertsch has  
18 considerable experience in both of these areas. Moreover, Mr. Bertsch's prices are a bit lower than  
19 Mr. Martin which will help mitigate some of the costs incurred by the Company. As such, Plaintiff  
20 suggests that this Court appoint Mr. Bertsch as the Receiver.

21  
22 Dated this 5th day of June, 2020.

23  
24 MARQUIS AURBACH COFFING

25 By /s/ Phillip S. Aurbach  
26 Phillip S. Aurbach, Esq.  
27 Nevada Bar No. 1501  
28 Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
*Attorneys for Plaintiff*



**CERTIFICATE OF SERVICE**

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/s/J. Case  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

# Exhibit A

**LARRY L. BERTSCH, CPA, CFF, CGMA**  
**CPA – Certified Public Accountant**  
**CFF – Certified in Financial Forensics**  
**CGMA - Chartered Global Management Accountant**  
 265 E. Warm Springs Road Suite #104  
 Las Vegas, Nevada 89119  
 Telephone: (702) 471-7223  
 Facsimile: (702) 471-7225  
 Email: [larry@llbcpa.com](mailto:larry@llbcpa.com)

**EMPLOYMENT:**

1/2003 to Present	Larry L. Bertsch, CPA, & Associates, LLP Position: <u>Managing Partner</u> (See attached Professional Assignments)
1/91 to 1/2003	Federal Bankruptcy Trustee and self-employed consultant. (See attached Professional Assignments)
9/89 to 6/91	Aladdin Hotel & Casino, Las Vegas, Nevada Position: <u>Chief Financial Officer</u> (Member of Consulting Group appointed by Bankruptcy Court)
4/87 to 6/89	Marina Hotel & Casino, Las Vegas, Nevada Position: <u>Chief Financial Officer</u> (Member of Consulting Group appointed by the Bankruptcy Court)
10/85 to 4/87	Independent Financial Consultant
6/83 to 9/85	Claridge Casino Hotel, Atlantic City, N.J. Position: <u>Senior Vice President</u> <u>Executive Vice President</u> <u>Member--Board of Directors</u>
8/78 to 6/83	Caesars Atlantic City, Atlantic City, N.J. Position: <u>Vice President/Treasurer</u>
1/76 to 8/78	Caesars World, Las Vegas, Nevada Position: <u>Director of Audits</u>
5/69 to 9/75	Alexander Grant & Company Position: <u>Manager</u>
6/66 to 4/69	The National Cash Register Company (NCR) Position: <u>Manager--Marketing Information Systems</u>
8/64 to 6/66	American Institute of Certified Public Accountants Position: <u>Project Manager</u>
6/60 to 8/64	Arthur Andersen & Co. Position: <u>Senior Auditor</u>

**Other Experience:**

Taught courses in accounting, auditing, CPA problems, financial analysis, casino accounting and management, and strategic planning at Rutgers University, the University of Nevada Reno (UNR), Atlantic Community College, Stockton State College and University of Nevada Las Vegas (UNLV).



# Exhibit B

# **Larry L. Bertsch, CPA, CFF, GCMA**

## **Curriculum Vitae**

### **Chapter 7 Bankruptcies**

Since 1991 have administered and closed over 8,000 cases

### **Chapter 11 Trustee**

Mountain Diagnostics (Radiology)  
Force One (Multi-level Marketing)  
ATM Services (Cash Advance)  
Ingersoll (Dentist)  
Western Linen (Laundry)  
John Tobin (Hearing Aids)  
Dryifs, Inc. (Construction)  
Tom & Maria Lioubas (Double Eagle Casino & Apartment Complex)  
Citywide Funding, Inc. (Check Cashing)  
Stewart Matthews Wilson (Beauty Shop)  
ADAMA (Real Estate Development with 66 LLC's)  
Sixth & Gass, LLC (Office Building) (Operate and Protect Company Assets until completion of bankruptcy)  
21<sup>st</sup> Century Technologies (Listed Venture Capital Company) (Liquidation Trustee)  
Marlyns, Inc dba Rock- a- Billys (Night Club)  
Draft Bars (Dispensary equipment)

### **Chapter 7 Operating Bankruptcy**

Bowman & Sons Printing (Printing)  
City Oil Company – City Cutbank (Oil Production)  
Citywide Funding, Inc. (Check Cashing)  
James Hogan M.D. (Medical Doctor)  
Las Vegas Sportspark (Recreation Center)

### **Special Master (Bankruptcy Court)**

Selma Andrews (Determine amount due Citywide Home Loans, Inc.)

### **Liquidating Trustee (Bankruptcy Court)**

21st Century (Investment Company)

### **Special Assignments (Bankruptcy Court)**

Adama Plaza, LLC (Strip Mall), Manager  
Rodeo Paradise (Strip Mall), Manager

### **Receiver (State Court)**

Baby Grand dba Maxim Hotel/Casino  
Main Street Station (Hotel/Casino)  
Wright Company (Oil Distribution)  
CBS, Inc (Computer Business Solutions)  
Gem Wildrose Partnership (Construction)  
Boulder-Sahara Shopping Center  
John Hampton (Housing for American Bank of Commerce, Pioneer Citizens, and Sun State Bank)  
Magic Cleaners (Partnership Dispute)  
Boulevard Hotel (Motel)

Elena Tanasescu (Apartments)  
Tigger Experience (Partnership Dispute)  
Federal Electric, Inc. (Construction – Ownership Dispute)  
Grand Court II (Senior Citizens Residences)  
Thomas v. Thomas (Divorce)  
Uptown Motel (Motel (30 units)) (Operate and Protect Company Assets until Foreclosure)  
Southwest Exchange (1031 Qualified Intermediary) (Embezzlement)  
    Qualified Exchange, Inc  
    Blackstone Limited, LLC  
    International Integrated Industries, LLC  
    Sirius Capital, LLC  
    Ventana Coast, LLC  
    Capital Reef Management, LLC  
    Global Aviation Delaware, LLC  
    Nexgen Management, LLC  
    Trinity Star, LLC  
    Nevada Safe Harbor, Inc  
    Americade, LLC  
    Bianathar, LLC  
McAnlis v. Kerr (“Vencenza”) (Dispute in LLC) (Development Property)  
Landbridge, LLC (Land Development) (Owner Dispute)  
TNA Wireless, LLC (Owner Dispute)  
DFA, LLC v. Leo Davenport (Mortgage Broker) (Marshal Company Assets)  
    GFD Investments, LLC  
    Southwest Financial,  
    Tonyoyl, LLC  
    D&G Development Group, LLC  
    OPM Group, LLC  
    Glenn’s Construction Control Services  
Landesbank Baden-Württemberg, Bank (“LBBW”) v. FX Luxury Las Vegas I, LLC (Operate 18 acres of  
    Real Property located on Las Vegas Strip involving over 90 leases)  
Lightning Group Inc v. Charles Weibe (Marshal Asset for Court)  
MS Concrete, Inc (Concrete Company) (Collect, Marshal, Liquidate Company Assets)  
National Money Service Corp (Pay Day Loan Company) (Owner Dispute)  
Providence Village, LLC (Shopping Center) (Operate and Protect Company Assets until Foreclosure)  
Selbt Desert Retreat (RV Resort) (Operate and Protect Company Assets until Foreclosure)  
Richard Kall et al v. Razorstream, LLC et al (Preparation of Income Tax Returns)  
Clark County Credit Union v. TX, LLC (Apartment Complex) (Protect Company Assets until  
    Foreclosure)  
Branch Banking & Trust v. Ford Family Eastern, LLC (Shopping Center) (Operate and Protect Company  
    Assets until Foreclosure)  
Branch Banking & Trust v Ford Family LLC @ Stephanie (Shopping Center) (Operate and Protect  
    Company Assets until Foreclosure)  
Barth v. Stuart (Monitor Assets to collect on confession of Judgment)  
Olympic Gardens (Maintain Sexually Oriented Business License)  
Albrecht v. Kalinko (Partnership Dispute)  
Boulder Dam Credit Union (Foreclosure on Building)  
Donut Mania (Partnership Dispute)  
Miramar (Ownership Dispute)

National Money (Pay Day Loan Business)  
Olympic Gardens (Operate to keep License)  
Lucky Dragon (Casino foreclosure and Sale)  
Global Pacific Construction (Construction)

#### **Receiver (Family Court)**

Carr v. Carr (Monitor Business Assets)  
Que v. Que (Finding and administration of Assets)  
Kinkead v. Kinkead (Monitor Income and Distribute per Court Order) (Verification of Income)  
Peterson v. Peterson (Monitor Income and Distribute per Court Order) (Verification of Income)  
Allied Flooring (sales and Installation of Carpet, Tile, and Marble)

#### **Receiver Consultation**

Guru Enterprises (Convenience Store)  
Motel - North Las Vegas (Sunrise Inn)  
Motel - Valley View (Quality Inn)

#### **Special Master (Federal District Court)**

Appointed by the Honorable Philip M. Pro, District Judge, United States District of Nevada at the request of the Federal Deposit Insurance Corporation (John Anderson properties including the Maxim Hotel/Casino) (Federal Deposit Insurance Corporation vs. John Anderson and Edith Anderson---CV-S-95-00679-PMP(LRL)).

Appointed by the Honorable Judge Abramson, United States District of Texas, to operate the Maxim Hotel until the foreclosure took place by Mortgage Holder. (800 Rooms)

#### **Special Master (State Court)**

Trade Show Specialties (Ownership Dispute)  
Blue Moon v LVMB (Dispute between Advertising Agency and Client)  
Vion Operations, LLC et al v. (Mob Experience) Jay Bloom, Carolyn Farkis and Companies  
Eagle Group Holdings, LLC  
Murder, Inc.  
The Mafia Collection, LLC  
A.D.D. Productions, LLC  
Order 66 Entertainment  
Eagle Group Productions, LLC  
Con X

#### **Special Master (Family Court)**

Keeter v. Keeter (Divorce) (Collect, Marshal, Liquidate Personal Assets)  
Nelson v. Nelson (Divorce) (Define assets and summarize receipts and disbursements)  
Sorenson v. Sorenson (Liquidate two properties and Airplane)  
Clark v. Clark (Monitor liquidation of certain assets)

#### **Trustee (Federal District Court)**

Appointed by the Honorable Lloyd D. George, District judge, United States District of Nevada, at the request of the Internal Revenue Service (Appointed to oversee the investigation, collection, and

liquidation of assets of Defendant and related entities---United States of America vs. Christensen CR-S-95-074-LDG(LRL)).

### **Bankruptcy Examinations**

Primvest  
Valley & ABCO Concrete  
Indian Springs Casino (Casino)  
Gibraltar Insurance (Insurance)  
GMF, Inc. (Auto Dealer)  
PPB, Inc. (Pure Pleasure Book)  
AR Gaming dba Mahoney's Silver Nugget (Casino)  
NES (Nevada Electrical Supply)  
Angelo Grouziles  
NEC (Electrical Contractor)  
Ronald/Corrine Byrd dba Cherokee Construction  
ROJAC dba Club Paradise  
Odyssey Transportation (Air Transport)  
G&A Medical Personnel (Pharmacy Evaluations)  
Principle Centered, Inc. (Construction Companies)  
Anderson Maintenance (Valuation of Company)  
Saxton, Inc. (Real Estate Company)  
National Audit Defense Network (NADN) (Tax & Computer program sales)

### **Bankruptcy Disbursing Agent**

Riviera Hotel/Casino  
Four Queens  
Stratosphere (Executive Compensation) Expert (Bankruptcy Court)  
Continental Hotel/Casino (Close the Hotel/Casino)

### **Consulting**

Debbie Reynolds Hotel (Casino/Hotel)  
GMF, Inc. (Automobile Dealership)  
Bicycle Club (Card Club/Casino)  
Maxim Hotel (Management Agreement)  
Bourbon Street (Casino/Hotel)  
Artisan Hotel & Spa (Hotel) (Consultant for Court Appointed Receiver)  
Blue Moon LLC (Hotel) (Consultant for FDIC Receiver)  
Community Bancorp (Bank Holding Company) (Consultant for Bankruptcy Trustee)  
Silver State Bancorp (Bank Holding Company) (Consultant for Bankruptcy Trustee)  
Silver State Helicopters (Helicopter Flight School involving government grants) (Consultant for Bankruptcy Trustee)  
Progressive Gaming (Gaming Company) (Tax Issues) (Consultant for Bankruptcy Trustee)  
One Cap (Mortgage Broker) (Consultant for Bankruptcy Trustee)  
Davis Bowling (Company Transition) (Consultant for Bankruptcy Trustee)  
Dave's Detailing (Airplane Detailing) (Analysis of Covenants on Settlement)  
Hooters (Bankruptcy Transition)  
Dunkin Donuts (Retail - Donuts) (Sale of Las Vegas Properties)



Ely City Council (Steam Train from Kennecott Copper)

### **Expert Witness**

Lindquest v. Stefan (Vegas Cabinets) (92-A-305398-C, State Court)  
Southwest Securities dba Marina Hotel/Casino (87-A-255637-C, State Court)  
Sutton v. Sutton (Divorce) (Valuation of herd of cattle in a divorce case, Family Court)  
Landmark Hotel/Casino BK-85-21113 – (Southern Nevada Federal Court)  
Crosslands Mortgage v. Calabrese (95-A-352222-C, State Court)  
Marlene Michaels (Partnership Dispute) (BK-93-22242-RCJ, Bankruptcy Court)  
Glendonon vs. GMF (Employee Termination Dispute) (Gave deposition but settled)  
Metron, Inc. (Shareholder Dispute) (CV-S-03-0756-LDG (RJJ), Federal Court)  
Joe v. Joe (Divorce) (Had deposition taken)  
Romona Lee's v. Shef Products, Inc. (A-458218-CC-2005, State Court)  
Aviation Insurance Services v Leslie C. Dewald (2:06-cv-01461-JCM-LRL), Federal Court  
Besdow, LLC (Arbitration) (Valuation of Company)  
National Auto, LLC (Arbitration) (Valuation of Company)  
AMG v. LIG (Real Estate) (Management Contract)  
Sandy Hackett v. Richard Feeney, et al (entertainment) (Partner Dispute)  
Creative Light Source, Inc. v Brackin, et al (Lighting Company - Examination of books and records)  
Landbridge, LLC (Partnership Dispute)  
    Oldman Power, LLC  
    Highland Land Development, LLC  
Mark Perez v. Greg McCoy et al. (A-13-690077-B, Clark County District Court) (Partner Dispute)  
Larry Callahan Trust (Investor Dispute) (Forensic Examination of books and records)  
Nevada State Bar (Trust Funds Investigation)  
Vegas One Realty (Forensic Examination for Embezzlement)  
Lionel Sawyer Collins (Classification and Collection of Accounts Receivable)  
Rose – 1031 (Section 1031 Exchange)

### **Trustee Consultation**

Community Bank  
Silver State Bank  
Silver State Bancorp

### **Forensic Examinations (Other)**

Moyado Group, Inc. v. The Jewelers (Forensic Examination for Arbitration)  
Daoud Sada, v. Sabah Boles (Owner dispute) (Forensic Examination of business books and records)  
Michael J. Amador (Asset Location for Law Suit)  
Kaercher Campbell Insurance (Insurance Company) (Owner dispute)  
FDIC v OHDB, LLC (Motel Property - Examination of books and records)  
Trimmer (Personal Assets - Fiduciary Transactions)

# Exhibit C

Larry L. Bertsch, CPA & Associates  
Certified Public Accountants  
265 E. Warm Springs, Suite #104  
Las Vegas, Nevada 89119

Telephone: 702-471-7223  
Fax: 702-471-7225

June 05, 2020

Rates charges for services by the firm.

Managing Partner	\$255-\$395
Partners	\$95-\$225
Staff	\$55-\$95
Clerical	\$35-\$55



# Exhibit D

[Home](#)[About Us](#)

## About

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Brian D. Shapiro, with over 19 years of experience, is a licensed attorney in California and Nevada. Mr. Shapiro is currently a United States Bankruptcy Trustee within the District of Nevada, a mediator and arbitrator for the State Bar of Nevada, a former board member of the Southern Nevada Association of Bankruptcy Attorneys, a founding member of the pro bono bankruptcy panel for the United States Bankruptcy Court, District of Nevada, a Volunteer for the Boyd School of Law at the University of Nevada Las Vegas, the creator of Financial Education for Elementary Students and one of the most respected attorneys in Las Vegas, Nevada.

## Brian D. Shapiro

---



Brian D. Shapiro

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Managing Member

## Bankruptcy



"It is said that the world is in a state of  
bankruptcy, that the world owes the  
world more than the world can pay."

— Ralph Waldo Emerson

For over 20 years, Mr. Shapiro has represented Creditors and Debtors within all aspects of a Bankruptcy Case. Mr. Shapiro is a Chapter 7 and 11 panel Bankruptcy Trustee and has earned the respect of the Bankruptcy Bar and the Judiciary. He will personally assist you in prosecuting and defending any type of adversary proceeding from fraudulent transfer actions to preference actions. Mr. Shapiro also prosecutes student loan adversary proceedings. Learn more at: [www.lasvegasstudentloanattorney.com](http://www.lasvegasstudentloanattorney.com)  
[www.mynegasbankruptcyattorney.com](http://www.mynegasbankruptcyattorney.com)

# Exhibit E



7345 S. Durango Drive ■ Suite 8107-319 ■ Las Vegas, NV 89113-3653  
Andrew@MartinLtd.com ■ Tel: 702.889.3566 ■ Fax: 866.406.0773 ■ www.MartinLtd.com

May 26, 2020

Dear Legal Counsels,

We are pleased to have this opportunity to submit our credentials for consideration as independent, neutral experts to examine financial matters and report on specific questions of each party. Martin & Associates, Ltd. is a CPA firm I founded in 1994. We have attached resumes for Andrew Martin, Managing Partner and Dana Barooshian, Partner and an Engagement Summary of some of our interesting case work.

If engaged, Andrew Martin will lead the engagement and Dana Barooshian will provide a supporting role. Billing rates are \$300 per hour for Mr. Martin and \$200 per hour for Mr. Barooshian. We estimated 50-100 hours of work. We will be able to refine that estimate once we obtain a better understanding of specific questions to investigate and the condition of the books and records, including the accounting system and all relevant supporting documentation.

We are able to begin immediately, but would delay any on-site field work until June 16. We typically use Dropbox as our secure portal to obtain and send confidential information. We can adapt to any commercially available no cost product you prefer (e.g. Google drive, etc).

The deliverable will be a written report to all parties addressing the concerns identified during our discussions and analysis.

Please feel free to contact me directly if you require additional information. My cell phone is 702-994-1926.

Sincerely,

*Andrew B. Martin, CFE, CPA*

Andrew Martin, MS, CFE, CFF, CGMA, CFP, CICA, CPA  
Managing Partner





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## Forensic Audit and Litigation Support Cases

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Martin & Associates, Ltd. is a Certified Public Accounting firm founded in 1994 by Andrew B. Martin, CPA. In addition to traditional accounting and tax services, we have completed several forensic accounting and litigation support cases where we served as experts preparing reports for all parties. Additionally, from 1997-2013, we had a robust audit practice that included several high-profile engagements relied upon by senior government and corporate executives. In the interest of client confidentiality, cases below are summaries without names. In these cases, Andrew Martin was the lead partner and Dana Barooshian performed a supporting role. Mr. Martin and Mr. Barooshian are both long time Certified Fraud Examiners (CFEs).

### Forensic Audits, Fraud Examinations & Expert Witness Testimony

- Martin & Associates was retained by legal counsel to provide expert testimony on false financial statements relating to misapplication of accounting principles for related party transactions and inter-company consolidation. Our expert report was instrumental renegotiating the value of the acquired business.
- Martin & Associates was retained by the Board of Directors of a prominent non-profit organization to investigate allegations of executive director misappropriation of assets, falsifying financial records and financial statements, and other areas of misconduct that could result in organizational liability. We interviewed board members to prioritize key questions, gathered evidence through interviews, document analysis and forensic accounting techniques, and prepared a report presenting procedures and results addressing each allegation, and recommendations to improve risk assessment and internal controls.
- Martin & Associates was retained by legal counsel for an insurance company to investigate a potential false claim. Claimant filed a complaint with State Insurance Commissioner. Insurance company's counsel engaged us as a neutral expert to determine what occurred and to prepare a report. We interviewed the claimant (who was initially hostile) and service providers, examined accounting and banking records, verified actual costs with vendors, and prepared a report for the insurance company supported by financial evidence that allowed them to settle the claim to the satisfaction of all parties.

- Martin & Associates was retained by legal counsel to investigate allegations of contractor fraud, self-dealing between the property manager and specific contractors, kickback schemes, and other forms of fraud. We utilized professional forensic accounting and fraud examining techniques to gather evidence for a written report demonstrating instances of self-dealing and kickbacks, allowing our client to confront the accused and terminate the business relationship.
- Martin & Associates was retained by a group of officers, directors and shareholders of a nationally known manufacturing company in a Caribbean nation to conduct an investigation of asset misappropriation, embezzlement and money laundering. Our use of financial reconstruction techniques produced sufficient evidence to expose the malfeasance. This allowed the officer, director, shareholder group who hired us to confront the fraudsters and implement accounting and corporate governance reforms.
- Martin & Associates was retained to conduct an audit of a non-profit organization after large amounts of cash were stolen from a public outdoor event and criminal and civil actions were initiated. This project involved financial reconstruction, preparation of financial statements, and attesting to the accuracy of the financial statements.
- Martin & Associates was retained by legal counsel as part of a criminal and civil prosecution of a cashier who was accused of "skimming" money from the cash registers over a several year period. Martin & Associates utilized forensic accounting and financial reconstruction techniques to provide indirect evidence of employee theft that was upheld in criminal and civil court.
- Martin & Associates was retained by legal counsel to conduct an investigation of a major coffee retailer in New York State and its owner as part of a divorce case. Lifestyle audits, tracing interlocking ownership and money trails were all used to uncover hidden assets and hidden sources of income. This information led to a settlement.
- Martin & Associates was retained by the law firm of a major boxing promoter to conduct undercover field investigations to gather evidence and prepare affidavits relating to unlawful descrambling and showing of pay-per-view fights without payment of proper royalties.
- Martin & Associates was retained by a representative for a major celebrity who owned a manufacturing operation. We were engaged to investigate one the manufacturers' representatives during a period of contract re-negotiation. Our investigation uncovered conclusive evidence of the manufacturer's representative engaging in misrepresentation, false statements, unlawful diversion of business, and self-dealing that were harmful to our client. This investigation enabled our client to protect his/her legal rights and renegotiated terms and conditions of business dealings.

## High Profile Audit Engagements

- **Executive Office of the President of the United States** - We performed financial statement audits of the White House Travel Office for the years ended December 31, 1997 through December 31, 2007, working with both Democratic and Republican administrations. We also performed numerous additional engagements such as an emergency audit of Air Force One invoices and travel manifests to answer a Congressional subpoena, financial presentations to the White House Press Corps, analyses of the 53 boxes of evidence returned from FBI after prosecution of the former Travel Office director, and number accounting and internal control special projects.
- **Panama Canal Commission** – Engaged by the General Services Administration to perform the close out audit of the Panama Canal as the canal was transferred from US to Panamanian ownership on September 30, 2004. Commission maintained a capital fund and an operating fund, and each fund went to a different country upon transfer. Part of our audit included evaluating if each fund balance was correct and if proper allocations were made throughout the years. Our audit report was relied upon by the top Treasury and State officials in each country as part of finalizing the transfer.
- **Fannie Mae & Freddie Mac Affordable Housing Goals on behalf of U.S. Department of Housing & Urban Development** – GAO issued a report stating there was no independent verification of Fannie and Freddie reporting of affordable housing goals as required by the Code of Federal Regulations. HUD engaged us to develop assurance program of this legally mandated reporting of performance goal data and assess its accuracy and completeness. Our work highlighted several internal control deficiencies and a roadmap to correct them.





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**Andrew B. Martin, MS, CFE, CFF, CGMA, CICA, CPA**

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Andrew B. Martin is a Certified Public Accountant and Certified Fraud Examiner with 34 years of professional experience, a Master of Science in Accounting and served 10 years as an adjunct professor of accounting.

Martin founded Martin & Associates, Ltd. Certified Public Accountants in 1994 and is currently its Managing Partner. Martin has served in several public official positions including:

- Trustee, College Savings Plans of Nevada, September 2018-Present
- Nevada State Assembly, District 9, 2012-2014
- Member, Nevada Economic Forum, January 2010-January 2012
- Member, Clark County School District Bond Oversight Committee, 2009-2011

**Professional Experience**

**Managing Partner, Martin & Associates, Ltd. Certified Public Accountants, 1994-Present.** Work with clients on accounting and tax matters. Perform consulting engagements. Lead partner on audit engagements 1997-2013 including high profile engagement with the Executive Office of the President of the United States, Panama Canal Commission and Fannie Mae/Freddie Mac on behalf of HUD.

**Controller, Washington Occupational Health Associates, Ltd. 1992-1994**

Company size of about 50 people, gross revenues about \$5 million. Responsible for overseeing daily accounting and preparing weekly financial reports. Also, a member of the company's Executive Committee.

**Consultant, KPMG, 1990-1992.** Designed programs for Naval Sea Systems Command (NAVSEA) and Naval Air Command (NAVAIR) to hold defense contractors accountable and combat aggressive application of accounting estimates to accelerate payments. Program saved U.S. taxpayers approximately \$1 million dollars per day.

**Adjunct Professor, Montgomery Community College, 1990 – 2000.** Taught wide range of accounting courses.

**Accountant, Spicer & Oppenheim, 1986-1987.** Accounting professional focused on individual and gift tax returns for prestigious NYC CPA firm.

**Licenses & Certifications**

Certified Public Accountant, 1989-Present. NV License 4542R.

Certified Fraud Examiner, 1995-Present. Certificate # 18160.

Certified in Financial Forensics 2008-Present. Certificate #1248.

Certified Internal Controls Auditor 2010-Present. Certificate #10072360.

Chartered Global Management Accountants 2012-Present. Certificate #110027919.

**Education**

Master of Science, Accounting, Binghamton University, 1989. Recipient of National Association of Accountants Award of Excellence in Graduate Studies for being the number one accounting graduate student in the country.

Bachelor of Science, Accounting, Binghamton University, 1986



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## **Dana P. Barooshian, MBA, CFE, CICA**

---

Dana Barooshian is a Certified Fraud Examiner and Certified Internal Controls Auditor with 31 years of professional experience with accounting, audit, tax and consulting. He has managed numerous high-profile audit and consulting engagements that were relied upon by senior executives. He has extensive expertise in risk assessment, internal control evaluation and forensic accounting.

### **Professional Experience**

**Partner, Martin & Associates, Ltd. Certified Public Accountants, 1996-Present (formerly Martin & Wall).** Work with clients on accounting and tax matters. Performance risk assessments and internal control evaluations. Key management roles on high profile audits of government agencies, public charter schools, non-profits and small and medium size businesses from 1997-2013.

**Principal, Chortek LLP CPAs May 2011-September 2013.** As part of a spin off, led audit and consulting practice focused on supporting federal government client's needs in financial and performance audits, risk assessment and risk management, internal control evaluation and corrective action plans development, financial process improvement, audit readiness, financial management and financial reporting, and compliance with laws and regulations.

**Research Coordinator, United Brotherhood of Carpenters & Joiners of America, 1989-1996.** Developed state of the art corporate and financial research operation to support collective bargaining and organizing campaigns. Worked with Council of Institutional Investors and union pension funds to develop and present corporate governance and executive compensation shareholder proposals.

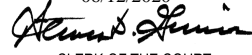
### **Certifications**

Certified Fraud Examiner, March 1999-Present, Certificate 68980  
Certified Internal Controls Auditor, August 2010-Present.

### **Education**

Master of Business Administration, Loyola University Maryland, 1994

Bachelor of Arts, Accounting, Binghamton University, 1989

ELECTRONICALLY SERVED  
6/12/2020 4:35 PMElectronically Filed  
06/12/2020  
CLERK OF THE COURT**ORDR****Marquis Aurbach Coffing**

Phillip S. Aurbach, Esq.

Nevada Bar No. 1501

Alexander K. Calaway, Esq.

Nevada Bar No. 15188

10001 Park Run Dr.

Las Vegas, NV 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

paurbach@maclaw.com

acalaway@maclaw.com

*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

DOMINIQUE ARNOULD,

Plaintiff,

vs.

CLEMENT MUNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive; and ROE CORPORATIONS I through  
X, inclusive,

Defendants,

And related counterclaims.

Case No.: A-19-803488-B

Dept. No.: 27

**ORDER**

This matter came before the Court on June 12, 2020 at 12:30pm, regarding the Plaintiff's Motion to Select Receiver (the "Motion") and Plaintiff's Emergency Request For Telephonic Hearing For Appointment of Receiver To Take Over the Warehouse Or For the Order Allowing Access (the "Emergency Request").

Having reviewed the papers and pleadings on file herein, arguments of counsel at the time of the above identified hearing, being fully advised on the matter, and with good cause appearing therefore the Court finds and decides the following:

1. On May 22, 2020 this Court requested that the Parties provide this Court with their suggestions as to who could serve as a court-appointed receiver in this matter.

2. After considering both parties suggestions, the Court finds Larry L. Bertsch to be suitable to serve as the court-appointed receiver ("Receiver"), consistent with the powers set forth in this Court's previous June 8, 2020 order regarding the appointment of a receiver.

3. Also, consistent with this Court's June 8, 2020 order, the Receiver will be compensated by Clement Muney ("Muney") and Dominique Arnould ("Arnould") each paying ½ of his estimated fees within 10 days of the Receiver's request.

4. The Court also finds that despite the fact that Muney and Arnould are each 50% owners of Chef Exec Suppliers, LLC ("Company"), Muney changed the locks to the warehouse located at 3655 West Quail Ave, Las Vegas, Nevada ("Nevada Warehouse"), which currently stores Company inventory.

5. The Court also finds that Muney refused to allow Arnould access to the Nevada Warehouse to obtain the Company inventory.

6. The Court also finds that Muney's actions have required further monitoring of the Nevada Warehouse so that the Company can continue to fulfill the needs of its customers.

**ORDER**

Based upon a full review of the pleadings, evidence, oral arguments of counsel, findings, conclusions of law and the powers of the Court:

1. It is ordered that Defendants immediately provide Plaintiff access to the Nevada Warehouse.
2. It is further ordered that Clement Muney hire and pay for security to monitor the Nevada Warehouse when Plaintiff accesses the same.
3. It is further ordered that the Receiver change the locks on the Nevada Warehouse so that all parties can have access to the same with the consent of the Receiver.

IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated this 12th day of June, 2020

*Nancy L. Alf*

DISTRICT COURT JUDGE  
FBA 175 1437 4DD6

Page 2 of 3 Nancy Alf

MAC:15755-001 ORDER regarding June 12 2020 Motion to Select Reciever 6/12/2020 4:07 PM

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Submitted by:

Dated this 12<sup>th</sup> day of June, 2020

**MARQUIS AURBACH COFFING**

By: /s/ Alex Calaway

Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Dr.  
Las Vegas, Nevada 89145  
*Attorneys for Plaintiff*

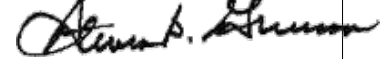
Approved to as form and content:

Dated this 12<sup>th</sup> day of June, 2020

**KERN LAW LTD.**

By: /s/ Robert Kern

Robert Kern, Esq.  
Nevada Bar No. 10104  
601 S. 6<sup>th</sup> St.  
Las Vegas, Nevada 89101  
*Attorney for Defendants*



1 **Marquis Aurbach Coffing**  
Phillip S. Aurbach, Esq.  
2 Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
3 Nevada Bar No. 15188  
10001 Park Run Dr.  
4 Las Vegas, NV 89145  
Telephone: (702) 382-0711  
5 Facsimile: (702) 382-5816  
[paurbach@maclaw.com](mailto:paurbach@maclaw.com)  
6 [acalaway@maclaw.com](mailto:acalaway@maclaw.com)  
*Attorneys for Plaintiff*

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 DOMINIQUE ARNOULD,

11 Plaintiff/ Counter-Defendant,

Case No.: A-19-803488-B  
Dept. No.: 27

12 vs.

13 CLEMENT MUNNEY; CHEF EXEC  
14 SUPPLIERS, LLC; and DOES I through X,  
inclusive; and ROE CORPORATIONS I through  
15 X, inclusive,

16 Defendants/Counterclaimant.  
17

18 **NOTICE OF ENTRY OF ORDER**

19 Please take notice that an Order was entered in the above-captioned matter on the 17th  
20 day of February, 2021, a true and correct copy of which is attached hereto.

21 Dated this 18th day of February, 2021.

22 MARQUIS AURBACH COFFING

23 By /s/ Alexander K. Calaway

24 Phillip S. Aurbach, Esq.  
25 Nevada Bar No. 1501  
26 Alexander K. Calaway, Esq.  
27 Nevada Bar No. 15188  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 18th day of February, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

Robert Kern  
Melissa Milroy

Robert@Kernlawoffices.com  
Admin@KernLawOffices.com

/s/ J. Case  
an employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



ELECTRONICALLY SERVED  
2/17/2021 1:44 PMElectronically Filed  
02/17/2021 1:43 PM  
CLERK OF THE COURT

**Marquis Aurbach Coffing**  
 Phillip S. Aurbach, Esq.  
 Nevada Bar No. 1501  
 Alexander K. Calaway, Esq.  
 Nevada Bar No. 15188  
 10001 Park Run Dr.  
 Las Vegas, NV 89145  
 Telephone: (702) 382-0711  
 Facsimile: (702) 382-5816  
 paurbach@maclaw.com  
 acalaway@maclaw.com  
*Attorneys for Plaintiff*

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

DOMINIQUE ARNOULD,

Plaintiff,

vs.

CLEMENT MUNNEY; CHEF EXEC  
 SUPPLIERS, LLC; and DOES I through X,  
 inclusive; and ROE CORPORATIONS I through  
 X, inclusive,

Defendants,

And related counterclaims.

Case No.: A-19-803488-B  
 Dept. No.: 27

**ORDER**

This matter came before the Court on February 10, 2021 at 10:00am, regarding the Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver ("Motion"), attended via bluejeans by Alexander K. Calaway, Esq. for the Plaintiff, Robert Kern, Esq. for the Defendants, and Tracy O'Steen for the Receiver.

Having reviewed the papers and pleadings on file herein, arguments of counsel at the time of the above identified hearing, being fully advised on the matter, and with good cause appearing therefore the Court hereby finds and decides the following:

1. On June 8, 2020, this Court appointed a receiver with limited powers to prepare a report about the viability of Chef Exec Suppliers, LLC (the "Company"). Shortly thereafter, the Court appointed Larry L. Bertsch, CPA as the receiver over the Company (the "Receiver").

2. On December 7, 2020, the Receiver issued his Final Report and Recommendations (“Final Report”), on file herein.
3. On December 23, 2020, Plaintiff filed its Motion, wherein Plaintiff requested that (a) the Receiver’s Final Report be approved; and (b) that the Receiver’s professional fees and expenses related to objections to the Receiver’s Final Report be borne by the objector; and (c) that the receivership be finalized and that the Receiver be discharged consistent with his Final Report. *See* Motion, at pgs. 2-4.
4. On January 29, 2021, Defendants lodged an objection to the Final Report; and on February 6, 2021, the Receiver responded to the same. Defendants’ objections and the Receiver’s response have been noted, received and recorded herein.
5. NRS 32.350 provides that upon completion of a receiver’s duties, the receiver shall file a final report, after which the court may approve the final report and discharge the receiver.
6. NRS 32.340 authorizes this Court to “award a receiver from receivership property the reasonable and necessary fees and expenses of performing the duties of the receiver and exercising the powers of the receiver.”

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That Plaintiff’s Motion to Approve Receiver’s Final Report and Discharge Receiver is GRANTED in all respects;
2. That the Receiver’s Final Report and findings are accepted pursuant to NRS 32.350;
3. That the Receiver is DISCHARGED and any bond to be refunded back to him; and
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4. That a status check be SET in thirty days to discuss any remaining issues related to the Final Report.

February 17, 2021

Dated this 17th day of February, 2021

Nancy L. Allf  
DISTRICT COURT JUDGE

NB

Submitted by:

OF8 D2E 050D 2550  
Approved as to form and content:  
Nancy Allf  
District Court Judge  
Dated this 17th day of February, 2021

Dated this 17th day of February, 2021

**MARQUIS AURBACH COFFING**

**KERN LAW LTD.**

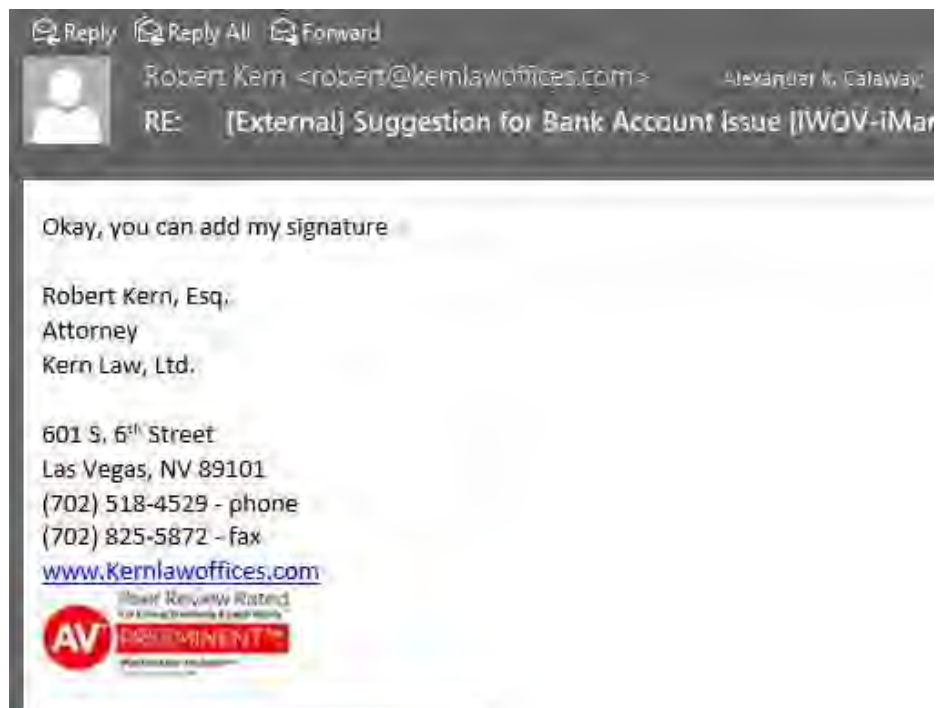
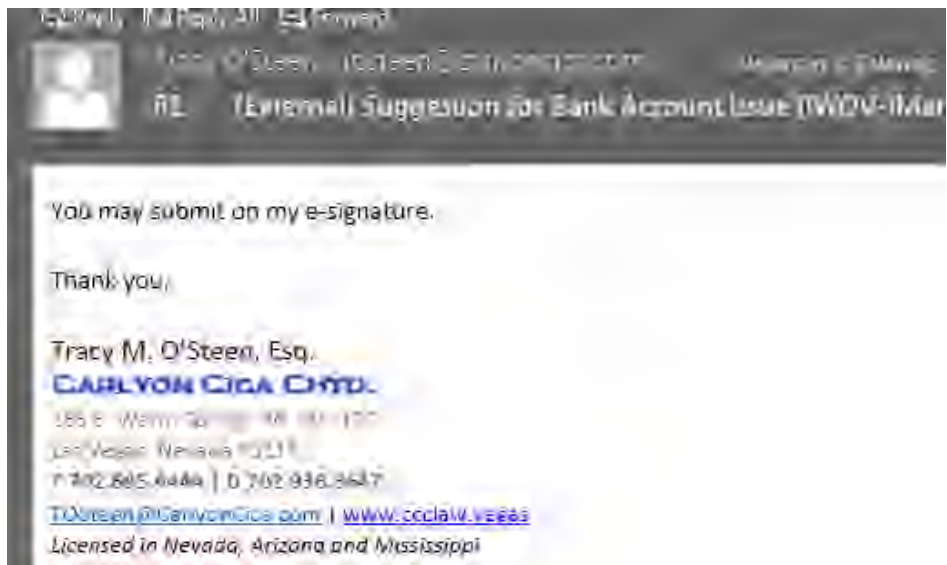
By: /s/Alexander K. Calaway, Esq.  
Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Dr.  
Las Vegas, Nevada 89145  
Attorneys for Plaintiff

By: /s/Robert Kern, Esq.  
Robert Kern, Esq.  
Nevada Bar No. 10104  
601 S. 6<sup>th</sup> St.  
Las Vegas, Nevada 89101  
Attorney for Defendants

Approved as to form and content:  
Dated this 17th day of February, 2021

**CARLYON CICA CHTD.**

By: /s/Tracy O' Steen, Esq.  
CANDACE C. CARLYON, ESQ.  
Nevada Bar No. 26666  
TRACY M. O'STEEN, ESQ.  
Nevada Bar No. 10949  
265 E. Warm Springs Road, Suite 107  
Las Vegas, Nevada 89119  
Counsel for the Receiver



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

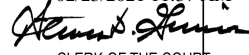
5  
6 Dominique Arnould, Plaintiff(s) | CASE NO: A-19-803488-B  
7 vs. | DEPT. NO. Department 27  
8 Clement Muney, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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20 Nancy Rodriguez	nrodriguez@carlyoncica.com
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22 Phillip Aurbach	PSA@maclaw.com
23 Javie-Anne Bauer	jbauer@maclaw.com
24 Alexander Calaway	acalaway@maclaw.com

  
CLERK OF THE COURT

SCHTO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**DOMINIQUE ARNOULD,**

CASE NO: A-19-803488-B

**Plaintiff/Counter-Defendant,**

DEPT. NO. 27

**vs.**

**CLEMENT MUNY and CHEF EXEC  
SUPPLIERS, LLC**

ENTERED kl

**Defendants/Counter-Claimants.**

**BUSINESS COURT SCHEDULING ORDER AND  
ORDER RESETTNG: (1) CIVIL JURY TRIAL;  
(2) CALENDAR CALL; AND (3) STATUS CHECK  
(SECOND REQUEST)**

This BUSINESS COURT SCHEDULING ORDER SETTING CIVIL JURY TRIAL AND CALENDAR CALL is entered following the filing of a Stipulation and Order to Extend Discovery Deadlines and Continue Trial (Second Request).. Pursuant to NRCP 16.1(f) this case has been deemed complex and all discovery disputes will be resolved by this Court. This Order may be amended or modified by the Court upon good cause shown.

**IT IS HEREBY ORDERED** that the parties will comply with the following deadlines:

Discovery Cut Off Date:	<b>05/14/21</b>
Final Date to file Motions in Limine or other Dispositive Motions	<b>06/11/21</b>
Status Check:	<b>06/17/21</b>
Calendar Call:	<b>07/29/21</b>
Trial Date:	<b>08/02/21</b>

**IT IS HEREBY ORDERED THAT:**

1           A.       The above entitled case is set to be tried to a Jury on a **Five week stack** to begin,  
2           **August 2, 2021 at 10:30 a.m.** The trial will be held in Department 27, Courtroom 3A  
3           **located in the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155.**

4           B.       Calendar Call with the designated attorney and/or parties in proper person will be  
5           held on **July 29, 2021 at 10:30 a.m.** Parties must have the following ready for trial:

- 6                   (1) Typed exhibit lists; with all stipulated exhibits marked;  
7                   (2) List of depositions;  
8                   (3) List of equipment needed for trial, including audiovisual equipment;<sup>1</sup>  
9                   (4) Courtesy copies of any legal briefs on trial issues; and  
10                  (5) Jury Instructions in two groups, opposed and unopposed. **Each side**  
11                  **shall have ready for trial an agreed set of jury instructions,**  
12                  **proposed form of verdict along with any additional**  
13                  **proposed jury instructions.**

14           C.       Parties are to appear on **June 17, 2021 at 9:30 a.m.** for a Status Check on trial  
15           readiness.

16           D.       The Pre-Trial Memorandum must be filed no later than **July 26, 2021**, with a copy  
17           electronically sent to Department XXVII. All parties, (Attorneys and parties in proper person) **MUST**  
18           comply with **All REQUIREMENTS** of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should include the  
19           Memorandum an identification of orders on all motions in limine or motions for partial summary  
20           judgment previously made, a summary of any anticipated legal issues remaining, a brief summary of the  
21           opinions to be offered by any witness to be called to offer opinion testimony as well as any objections to  
22           the opinion testimony.

23           E.       All motions in limine, must be in writing and filed no later than **June 11, 2021.**

24  
25  
26  
27           <sup>1</sup> If counsel anticipates the need for audio visual equipment during the trial, a request must be submitted to  
28           the Court Recorder, Brynn White at (702) 671-0883 or via e-mail at whiteb@clarkcountycourts.us.



1 F. All original depositions anticipated to be used in any manner during the trial must be  
2 delivered electronically to the clerk prior to the start of trial. If deposition testimony is anticipated to be  
3 used in lieu of live testimony, a designation (by page/line citation) of the portions of the testimony to be  
4 offered must be filed and electronically served, two (2) judicial days prior to the start of trial. Any  
5 objections or counterdesignations (by page/line citation) of testimony must be filed and electronically  
6 served, one (1) judicial day prior to the start of trial.

7 G. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All  
8 exhibits must comply with EDCR 2.27. Two (2) sets must be three hole punched and placed in three  
9 ring binders along with the exhibit list. The sets must be delivered to the clerk prior to start of trial.  
10 Any demonstrative exhibits including exemplars anticipated to be used must be disclosed prior to the  
11 calendar call. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or make specific objections  
12 to individual proposed exhibits. Unless otherwise agreed to by the parties, demonstrative exhibits are  
13 marked for identification but not admitted into evidence. Counsel shall advise the clerk prior to  
14 publication.  
15

16 H. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be  
17 included in the Jury Notebook. Pursuant to EDCR 2.68, at Calendar Call, counsel shall be prepared to  
18 stipulate or make specific objections to items to be included in the Jury Notebook.

19 I. In accordance with EDCR 2.67, counsel shall meet and discuss pre-instructions to the  
20 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall provide the  
21 Court prior to trial, an agreed set of jury instructions and proposed form of verdict along with any  
22 additional proposed jury instructions with an electronic copy in Word format.

23 J. In accordance with EDCR 7.70, counsel shall file and electronically serve, two (2)  
24 judicial days prior to Calendar Call voir dire proposed to be conducted pursuant to conducted pursuant to  
25 EDCR 2.68.  
26  
27  
28

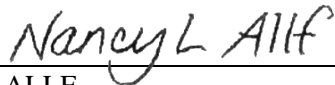
1 Counsel to contact Department 27 Court Clerk, Nicole McDevitt by email at  
2 [mcdevittn@clarkcountycourts.us](mailto:mcdevittn@clarkcountycourts.us) or telephone at (702) 671-0672 to schedule the delivery  
3 of exhibits.

4 Failure of the designated trial attorney or any party appearing in proper person to appear  
5 for any court appearances or to comply with this Order shall result in any of the following: (1)  
6 dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation of trial date;  
7 and/or any other appropriate remedy or sanction.  
8

9 Counsel is required to advise the Court immediately when the case settles or is otherwise  
10 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate whether a  
11 Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A copy should be  
12 given to Chambers.

Dated this 23rd day of February, 2021

13 Dated: February 23, 2021

14   
NANCY ALLF  
DISTRICT COURT JUDGE  
82B C3E A426 ED55  
Nancy Allf  
District Court Judge

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on or about the date filed, a copy of the foregoing Order was electronically  
18 served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District  
19 Court's Electronic Filing Program.

20 *If indicated below, a copy of the foregoing was also:*

21 ☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their  
22 last known address(es) :

23 \_\_\_\_\_/s  
Karen Lawrence  
JUDICIAL EXECUTIVE ASSISTANT

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

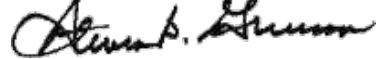
5  
6 Dominique Arnould, Plaintiff(s) | CASE NO: A-19-803488-B  
7 vs. | DEPT. NO. Department 27  
8 Clement Muney, Defendant(s)

9  
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Nevada Bar Number 10104  
**KERN LAW, Ltd.**  
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Las Vegas, NV 89101  
(702) 518-4529 phone  
(702) 825-5872 fax  
Admin@KernLawOffices.com  
Attorney for Defendants

**IN THE EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

DOMINIQUE ARNOULD,

Plaintiff/Counter-Defendant,

vs.

CLEMENT MUNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive, and ROE CORPORATIONS I  
through X, inclusive,

Defendants/Counter-Claimants.)

) Case Number: A-19-803488-B

) Dept. Number: 27

**DEFENDANTS' OPPOSITION TO  
ARNOULD'S MOTION FOR SUMMARY  
JUDGMENT**

COME NOW, CLEMENT MUNEY and CHEF EXEC SUPPLIERS, LLC, by and  
through their attorney of record, Robert Kern, Esq., of Kern Law, Ltd., and hereby submit  
this opposition to Arnould's motion for summary judgment.

**I. INTRODUCTION**

Plaintiff Arnould's motion for summary judgment relies primarily upon his  
confusion between a receiver's report, and an adjudication of the merits of the claims related  
to the receiver's report. Contrary to Arnould's belief, the Receiver's Report and  
Recommendations do not function as an adjudication of all the matters in this case, and thus  
the material disputes of fact remain on almost all claims in this matter, and the remaining

1 claim (award of costs of a derivative action) are simply without any legal support, as the one  
2 issue that has been resolved in this case is not a derivative cause of action.  
3

4 Although not directly relevant to the motion, or opposition, Muney feels the need to  
5 dispute Arnould's allegation that Muney has failed to pay the amounts ordered by this Court.  
6 Muney promptly paid the \$22,712.56 ordered by this Court. The amount that Arnould  
7 alleges Muney "refused to pay" was an additional amount that was never ordered by this  
8 Court.  
9

## 10 II. ARGUMENT

### 11 a. Dissolution Was not a Derivative Cause of Action.

12

13 Arnould's first claim seeks costs and attorneys fees in the action based on NRS  
14 86.489, which authorizes costs and fees after a party prevails in a *derivative* action. Arnould  
15 then alleges that because the claim for dissolution was granted, he is entitled to costs for that  
16 claim. While Arnould did allege that the claim for breach of fiduciary duty was either a  
17 derivative action or a direct action (in the alternative)<sup>1</sup>, he did not bring the claim for  
18 dissolution as a derivative action. More importantly, a claim for dissolution would most  
19 likely be incapable of being brought as a derivative action, as a derivative action is required  
20 to be for the benefit of the company, and a dissolution is a destruction of the company.

21 Further, the claim for dissolution was specifically brought under NRS 86.495<sup>2</sup>,  
22 which authorizes a member of the LLC to seek dissolution, but does not authorize the  
23 company to seek dissolution through a derivative suit. (NRS 86.405(1) ("Upon application  
24 by or for a member, the district court may decree dissolution..."). Since a derivative action is  
25

---

26 <sup>1</sup> See Complaint pp.3-4. ("Defendant Muney owes such funds and profits derived  
therefrom to Chef Suppliers and/or Arnould.")

27 <sup>2</sup> See Complaint p.4. "...an Order granting dissolution should be entered pursuant to NRS  
28 86.495 and 86.505"

1  
2 required to be brought “in the right of a limited-liability company to recover a judgment in  
3 its favor” (NRS 86.483), an action for dissolution is incapable of being a derivative action,  
4 as it requires being brought by the member himself.

5 Finally, even if the statute did allow for the dissolution claim to be treated as a  
6 derivative action, a motion for fees is required to be filed within 21 days of entry of the  
7 judgment. NRCp 54(d)(2)(B)(i). As the order of dissolution was entered on August 21,  
8 2020, the motion for summary judgment was filed 297 days after the order of dissolution.  
9 As the language of the rule is mandatory (“...the motion *must* be filed no later than 21 days  
10 after ...” Id. {emphasis added}), this grossly untimely motion for fees must be denied.

11  
12  
13 **b. As an Accounting Requires Significant Determinations of Disputed Issues of**  
14 **Fact, it can not be Granted Through Summary Judgment.**

15 Arnould's mistaken belief that the Receiver's Report functioned as an adjudication of  
16 the merits of the case is unfounded. A Receiver's powers are delineated by NRS 32.295(1),  
17 as well as the court order appointing the Receiver. None of the powers contained in NRS  
18 32.295(1) authorize adjudication of disputed issues, and the Court's order appointing the  
19 Receiver in this case specifically limited its power, and gave it no authority to adjudicate  
20 issues:

21 4. It is further ordered that Plaintiff's Motion for Appointment of Trustee or  
22 Receiver is GRANTED to the extent that a receiver ("Receiver") with  
23 limited powers as defined below ("Limited Powers").

24 5. It is further ordered that the Receiver's role will be to supervise the  
25 operations of the Company in consultation with Arnould and Muney, to  
26 allow them to continue operations of the Company, and prepare a report  
27 about the viability of the Company.

28 (Order Appointing Receiver, entered June 8, 2020, p.5). At no time in this proceeding was  
the Receiver given authority to adjudicate issues, by Court order, or by statute. The  
Receiver's Report and Recommendation was just that; a recommendation that can be used as

1  
2 evidence, for the Court or jury to accept or not accept. This means that Arnould's entire  
3 argument for summary judgment on the issue of an accounting is essentially asking this  
4 court to grant summary judgment on multiple disputed issues, because one piece of  
5 evidence favors them.

6 1. There are Significant Issues of Material Fact.

7  
8 NRCP Rule 56 specifies that summary judgment can only be granted if Arnould  
9 establishes that there are no disputes of material fact to be determined. To quote from  
10 Plaintiff's motion, an accounting requires the court to "adjudicate the amount due,  
11 administer full relief and render complete justice." *Verdier v. Superior Court*, 88  
12 Cal.App.2d 527, 530, 199 P.2d 325 (Cal.1948); *Teselle v. McLoughlin*, 173 Cal. App. 4th  
13 158, 92 Cal. Rptr. 3d 696 (Cal. App. 2009). To fully adjudicate the amounts due between  
14 the parties would require a large number of determinations of disputed fact.

15 First, the overall determination of how much of the Receiver's Report to adopt over  
16 the objections to it is by itself a determination of disputed fact. But to complete an  
17 accounting, the Court would have to make an entire list of determinations of disputed fact:

18 -Las Vegas warehouse rent: whether there was a fiduciary duty, whether there was a  
19 breach of such duty, whether the price charged was reasonable in that market,  
20 whether there was bad faith;

21 -Los Angeles warehouse rent: resolving the conflicting testimony regarding how  
22 much space was used by Arnould's company;

23 -Determining whether disputed amounts charged by Muney were proper;

24 -Determining whether disputed amounts charged by Arnould were proper;

25 -Determining the proper valuation of the LA delivery truck, and the valuation of  
26 delivery services by the LA delivery truck.  
27  
28



1  
2 Further, this Court has already held that the question of whether Muney breached a  
3 fiduciary duty is not capable of resolution on summary judgment because of the existence of  
4 issues of material fact:

5 IT IS HEREBY ORDERED that Defendants Motion for Summary  
6 Judgment on the issue of whether Defendant Muney breached fiduciary  
7 duties is denied because there are genuine issues of material fact.

8 (Order denying summary judgment, entered January 17, 2020). With multiple issues of  
9 disputed material fact in this matter, an accounting can not be rendered by summary  
10 judgment.

11 2. The Receiver's Report is not Undisputed.

12 Arnould's entire argument as to why this Court could determine issues with disputed  
13 of material fact on summary judgment, is based on the novel argument that, because  
14 Muney's objection to the receiver's report is alleged to be inadmissible as evidence, that this  
15 somehow makes the receiver's report 'undisputed'. Arnould provides neither logical  
16 explanation, nor any authority whatsoever to explain how he alleges that an objection to the  
17 report being inadmissible as evidence (which Muney very much disputes), is somehow the  
18 same as Muney not having objected to the report. Muney did properly and timely file an  
19 objection to the Receiver's Report, which the Court accepted and noted on the record<sup>3</sup>. The  
20 Receiver's Report is thus not "undisputed".

21 Further, Arnould's allegation that the cases cited support the fact that an undisputed  
22 receiver's report can be adjudicated simply by being adopted are incorrect; the cases cited  
23 say nothing of the sort. The *Foster Bank* case, which Arnould alleges supports their  
24 argument, simply states that a Court is authorized to assign an accounting to a referee for  
25 determination<sup>4</sup>. As this Court did not assign this matter to a referee for adjudication, and  
26

27 <sup>3</sup> "Defendants' objections and the Receiver's response have been noted, received and  
28 recorded herein." Order, February 17, 2021 p.2.

<sup>4</sup> "We have no statutory provision as to the method of procedure when it has been made to  
appear that an accounting should be ordered, but it seems that a court of equity has a wide

1  
2 instead assigned a receiver with limited powers for the limited purposes of keeping the  
3 company operating and preparing a report on its viability, the case cited has no bearing here.  
4 *Foster v. Bank of Am. Nat. Tr. & Sav. Ass'n*, 77 Nev. 365, 369, 365 P.2d 313, 316 (1961).  
5 Likewise, the statute cited (NRS 86.5419) applies only to a receiver appointed pursuant to  
6 NRS 86.5415; Arnould did not seek to appoint a receiver under this statute because the facts  
7 of this case did not meet the requirement of appointing a receiver under that statute. This  
8 receiver was appointed with explicit limited powers; none of those powers were to  
9 adjudicate the contested claims of the case.

10 As summary judgment can not resolve a matter with material issues of disputed fact,  
11 and many material issues of disputed fact would require determination in order to conduct  
12 an accounting, an accounting is not possible in this matter on summary judgment.

13  
14 **c. Breach of Fiduciary Duty Requires Resolution of Issues of Disputed Fact**

15 Arnould's argument that the Breach of Fiduciary Duty claim is moot because it is  
16 resolved by an accounting fails because summary judgment can not resolve issues of  
17 disputed fact, regardless of whether those disputes are contained within a claim for  
18 accounting, or a claim for breach of fiduciary duty. As explained above, the claim for  
19 accounting can not be resolved on summary judgment because it would require resolution of  
20 multiple material issues of disputed fact. Likewise, without resolution of the accounting, the  
21 breach of fiduciary duty claim is not moot, and clearly has disputed issues of fact. As  
22 referenced above, this Court already denied summary judgment on this claim specifically,  
23 ruling that there were material issues of disputed fact (Order denying MSJ January 17,  
24 2020). It is also clear that for Arnould to prevail on this issue, he would have to establish  
25 that the rent charged to Chef Exec Suppliers, LLC (hereinafter, "Chef Exec") for the Las  
26

27 \_\_\_\_\_  
28 discretion in this matter — it may refer a case to a referee in the first instance, or it may take  
the account itself, or it may, before making an order of reference or before taking the  
account itself, order that an account be rendered, duly verified." *Foster Bank*, Id.

1  
2 Vegas warehouse was unreasonable for that market and terms; this is unquestionably an  
3 issue of fact, and thus can not be resolved by summary judgment.

#### 4 5 **Muney's Counterclaims**

##### 6 **d. Breach of Fiduciary Duty**

###### 7 1. Existence of Duty

8  
9 Arnould first argues that summary judgment dismissing Muney's claim against  
10 Arnould for breach of fiduciary duty is proper, because there are no duties owed between  
11 members of an LLC absent a operating agreement. Arnould loses this argument by  
12 necessity, under the doctrine of judicial estoppel. Judicial estoppel "generally prevents a  
13 party from prevailing in one phase of a case on an argument and then relying on a  
14 contradictory argument to prevail in another phase." *New Hampshire v. Maine*, 532 US 742  
15 (U.S. Supreme Court 2001); quoting *Pegram v. Herdrich*, 530 U. S. 211, 227, n. 8 (U.S.  
16 Supreme Court 2000). Under the doctrine of judicial estoppel, a party may be estopped  
17 merely by the fact of having alleged or admitted in his pleadings in a former proceeding the  
18 contrary of the assertion sought to be made." *Breliant v. Preferred Equities Corp.*, 918 P. 2d  
19 314 (NV S.Ct 1996); quoting *Sterling Builders, Inc. v. Fuhrman*, 80 Nev. 543, 549, 396  
20 P.2d 850, 854 (1964). In the present case, Arnould survived Muney's motion for summary  
21 judgment by arguing the exact opposite of his position in this motion:

22 In Nevada, in the absence of an operating agreement, managing members of  
23 a limited liability company generally have authority to prescribe the  
24 management of the company. *See* NRS § 86.291. However, this does not  
25 vest in a manager the unfettered power to do whatever he or she pleases  
26 with respect to LLC assets. *See id.* Under Nevada's limited liability  
27 company statutes, a member or manager of an LLC can receive income  
28 from an LLC through fixed compensation (NRS 86.281(9)), distributions  
upon a dissolution (NRS 86.521), or profit distributions (NRS 86.341).  
Here, Chef Exec compensated its managers by fixing a commission on sales  
made by the managers, and by distributing profits equally between the  
Managers. Never did Chef Exec nor Arnould agree to compensate Muney

1 an addition \$5,088.00 for simply renewing a lease. 51 As such he violated  
2 the statutory fiduciary duties pertaining to member compensation in NRS  
3 Chapter 84 *et seq.* Similarly, Muney had a duty created by statute to hold  
4 the manager's contributions in trust. *See* NRS 86.391(2). Just as Defendants  
5 point out in their Motion, Muney's acts potentially "constitute a violation of  
a duty to make promised contributions to the LLC, or to hold in trust any  
property promised to the LLC."

6 (Arnould Opposition to MSJ, December 19, 2019 p.10). The US Supreme Court has held  
7 that "a party should not be allowed to gain an advantage by litigation on one theory, and  
8 then seek an inconsistent advantage by pursuing an incompatible theory." *New Hampshire*  
9 *v. Maine, Id., citing* 18 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §  
10 4477, p. 782 (1981)), the Nevada Supreme Court has adopted this doctrine, with the  
11 requirement that some benefit be realized from the prior position, and indicated that a  
12 favorable decision on the particular issue constitutes such a benefit. *Breliant v. Preferred*  
13 *Equities Corp.*, 918 P. 2d 314 (NV S.Ct 1996) ("...a favorable judgment is not always a  
14 necessary element of judicial estoppel, so long as the party against whom the estoppel is  
15 sought has been successful in arguing its original position against the party asserting the  
16 estoppel.(Internal quotes removed). If Arnould had not prevailed on the issue of whether a  
17 fiduciary duty could exist between members of an LLC, he would necessarily have lost that  
18 claim on summary judgment, thus his prevailing on this issue, and the Court's acceptance of  
19 the argument, was necessary for the denial of summary judgment that was ordered. As  
20 Arnould's argument is in explicit and direct contradiction to the position that it took to  
21 successfully defeat summary judgment by Muney, he should be judicially estopped from  
22 reversing his position here.

23  
24 As this Court has already accepted the reasoning Arnould argued above, Muney  
25 accepts this reasoning as well, and hereby cites this argument to show that there was in fact  
26 a fiduciary duty owed between Arnould and Muney.

## 27 2. Standing 28

1  
2 Arnould's second argument against Muney's breach of fiduciary duty claim is that  
3 Muney lacks standing to raise it, having not filed a derivative action. Arnould  
4 misunderstands the principle. The counterclaims were filed by both Chef Exec, *and* Muney<sup>5</sup>.  
5 (*See Answer and Counterclaim*, p.1). A company is not required to follow the rules for a  
6 derivative suit in order to bring claims in its own name. (*See Every case in America with a*  
7 *company name listed as a Plaintiff*). The rules for a derivative suit limit when a member  
8 alone can bring a claim that may belong to the company; there are no such restrictions for  
9 the company itself bringing claims that belong to itself. As the Answer and Counterclaim  
10 was filed in the name of Chef Exec and Muney almost two years ago (November 2019), and  
11 every pleading since has been filed in the name of Chef Exec and Muney, Arnould has  
12 clearly consented to Chef Exec's position in this matter. There is no question that Chef Exec  
13 has standing to raise its own claims. As Chef Exec was dissolved, its interests were assigned  
14 to Muney and Arnould, as they were 50% owners (NRS 86.521). As Muney is the inheritor  
15 of 50% of Chef Exec's interest in its own claims, he retains clear standing to pursue those  
16 claims, because prior to dissolution they belonged to fellow counterclaimant Chef Exec, and  
17 post-dissolution, 50% of those claims belong to Muney personally. It is indisputable that a  
18 party has standing to pursue its own claims.

19 As Muney has standing, and this Court has already determined that there is a  
20 fiduciary duty owed between Muney and Arnould, this claim can not be resolved as a matter  
21 of law, and summary judgment on this issue must be denied.

22  
23 **e. Conversion**

24 Conversion is the wrongful taking control of property belonging to another, without  
25 legal right. *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 5 P.3d 1043 (Nev.,2000).

26  
27 <sup>5</sup>“COME NOW Defendants, CLEMENT MUNEY, (hereinafter “Muney”), and CHEF  
28 EXEC SUPPLIERS, LLC (hereinafter, “CHEFEXEC”) by and through their undersigned  
counsel Robert Kern, ESQ., of KERN LAW, Ltd. and submit the following  
COUNTERCLAIMS . . .”

1  
2 Plaintiff Arnould has admitted in discovery to taking funds that belonged to the company,  
3 and inventory that belonged to the company, and taking it out of the possession of the  
4 company, and putting into his own exclusive control. (*See* Arnould Resp to RFA's #6, 7, 13,  
5 14; Resp to ROG's #13, 17, 18). This alone makes a prima facie case for conversion against  
6 Arnould.

7 As Arnould's sole argument for summary judgment on the Conversion claim is that  
8 Muney lacks standing to bring the claim, this argument fails, for the same reason that the  
9 standing argument for the breach of fiduciary duty claim fails. The counterclaim was  
10 brought by both Muney and Chef Exec, and upon Chef Exec's dissolution, 50% of Chef  
11 Exec's interest in the claim became Muney's property.

12  
13 **f. Money Had and Received**

14 Muney's justification and standing for this claim is essentially identical to that of the  
15 claim for conversion, above.

16  
17 **g. Unjust Enrichment**

18 Muney's justification and standing for this claim is essentially identical to that of the  
19 claim for conversion, above.

20  
21 **h. Constructive Fraud**

22 As explained under the breach of fiduciary duty counterclaim above, this Court has  
23 already held that fiduciary duties exist between Muney and Arnould arising from their being  
24 members of Chef Exec.

25  
26 Arnould's argument that Muney's mere existence as a member of Chef Exec makes  
27 him a participant in Arnould's fraud against him is ludicrous, and without support of any  
28 legal authority. The argument that the Receiver's report saying that both parties did things

1  
2 wrong fails both because the Receiver's report is not an adjudication of the issues, and  
3 because the statement that both parties did things they shouldn't have does not meet the  
4 standard of unclean hands. The Nevada Supreme Court has held that, "the unclean hands  
5 doctrine should only apply when the egregiousness of the party's misconduct constituting  
6 the party's unclean hands and the seriousness of the harm caused by the misconduct  
7 collectively weigh against allowing the party to obtain such a remedy." *LAS VEGAS*  
8 *FETISH & FANTASY v. Ahern Rentals*, 182 P. 3d 764 - Nev: Supreme Court 2008. As this  
9 test is explicitly one that requires a determination of fact, and because the question of  
10 whether Muney committed wrongdoing, or such serious wrongdoing as to justify unclean  
11 hands is clearly disputed by Muney, summary judgment on this issue is prohibited under  
12 NRCPC Rule 56.

13 **i. Fraudulent Concealment**

14  
15 As Arnould's argument for summary judgment of this issue is identical to his  
16 argument for summary judgment on the Constructive Fraud claim above, Muney's response  
17 is the same as above.

18 **CONCLUSION**

19  
20 As shown above, for all counterclaims, Muney has standing, and this Court has  
21 previously held that fiduciary duties exist between Muney and Arnould. Arnould's claim for  
22 dissolution was not a derivative cause of action, and thus the dissolution did not invoke  
23 Chapter 86's allowance of costs for a successful derivative action. Arnould's claim for an  
24 accounting would require adjudication of a vast number of material disputes of fact, and the  
25 Receiver's Report is not "undisputed", thus the accounting can not be granted on summary  
26 judgment. Finally, Arnould's remaining claim of breach of fiduciary duty has not been  
27 resolved by the Receiver's Report, and thus disputed issues of fact remain, making that  
28 claim inapplicable for summary judgment as well. As none of the claims meet NRCPC Rule



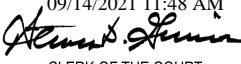
1  
2 56's requirements for a grant of summary judgment, the motion for summary judgment must  
3 be denied.

4 DATED this 24<sup>th</sup> day of June, 2021

5 **KERN LAW**

6 By: /s/ Robert Kern  
7 Robert Kern, Esq.  
8 601 S. 6<sup>th</sup> St.  
9 Las Vegas, NV 89101  
10 (702) 518-4529  
11 Attorney for Defendants  
12  
13  
14  
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9/14/2021 11:48 AM

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CLERK OF THE COURT

**Marquis Aurbach Coffing**  
Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Drive,  
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[acalaway@maclaw.com](mailto:acalaway@maclaw.com)  
*Attorneys for Plaintiff/Counter-Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

DOMINIQUE ARNOULD, individually,  
  
Plaintiff,

Case No.: A-19-803488-B  
Dept. No.: 27

vs.

**\$6,303.93 JUDGMENT IN FAVOR OF  
DOMINIQUE ARNOULD AND AGAINST  
CLEMENT MUNEY**

CLEMENT MUNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive; and ROE CORPORATIONS I  
through X, inclusive

Defendants.

And related Counterclaims.

1        **\$6,303.93 JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST**  
2        **CLEMENT MUNEY**

3        Based upon the Findings of Fact and Conclusions of Law filed on September 10, 2021,  
4        and other good cause appearing, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
5        that Judgment in the sum of \$6,303.93 in favor of Mr. Dominique Arnould and against Mr.  
6        Clement MuneY be and hereby is entered.

7        September 14, 2021

Dated this 14th day of September, 2021

*Nancy L Alif*

TW

1B9 B36 6066 BF8F  
Nancy Alif  
District Court Judge

12       Respectfully Submitted by:  
13       **MARQUIS AURBACH COFFING**

Approved as to form:  
**KERN LAW LTD.**

14       By: /s/ Alexander Calaway  
15       Phillip S. Aurbach, Esq.  
16       Nevada Bar No. 1501  
17       Alexander K. Calaway, Esq.  
18       Nevada Bar. No. 15188  
19       10001 Park Run Drive  
20       Las Vegas, Nevada, 89145  
21       Attorneys for Plaintiffs/Counter-  
22       Defendants

By: /s/ Robert Kern  
Robert Kern, Esq.  
Nevada Bar No. 10104  
601 S. 6th St.  
Las Vegas, Nevada 89101  
Attorneys for Defendants/Counter-  
Plaintiffs

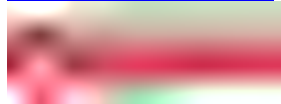
## Cally Hatfield

---

**From:** Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>  
**Sent:** Monday, September 13, 2021 6:45 PM  
**To:** Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>  
**Subject:** RE: [External] Judgment for \$6,303.93.DOCX [IWOV-iManage.FID1085969]

yes

Robert Kern, Esq.  
Attorney  
Kern Law, Ltd.  
601 S. 6th Street  
Las Vegas, NV 89101  
(702) 518-4529 - phone  
(702) 825-5872 - fax  
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---

**From:** [Alexander K. Calaway](#)  
**Sent:** Monday, September 13, 2021 6:38 PM  
**To:** [Robert Kern](#)  
**Cc:** [Phillip Aurbach](#); [Cally Hatfield](#); [Javie-Anne Bauer](#)  
**Subject:** Judgment for \$6,303.93.DOCX [IWOV-iManage.FID1085969]  
**Importance:** High

Good evening Mr. Kern,

Please advise if we may submit with you e-signature the attached judgment for \$6,303.93 pursuant to the FFCL filed on 9/10.

Regards,



**Alexander K. Calaway, Esq.**  
10001 Park Run Drive  
Las Vegas, NV 89145  
t | 702.207.6069  
f | 702.382.5816

[acalaway@maclaw.com](mailto:acalaway@maclaw.com)  
[maclaw.com](http://maclaw.com)



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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Dominique Arnould, Plaintiff(s) | CASE NO: A-19-803488-B  
7 vs. | DEPT. NO. Department 27  
8 Clement Muney, 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 Summary Judgment was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/14/2021

15 Cally Hatfield	chatfield@maclaw.com
16 Robert Kern	Robert@Kernlawoffices.com
17 Melissa Milroy	Admin@KernLawOffices.com
18 Candace Carlyon	ccarlyon@carlyoncica.com
19 Tracy O'Steen	tosteen@carlyoncica.com
20 Nancy Rodriguez	nrodriguez@carlyoncica.com
21 Phillip Aurbach	PSA@maclaw.com
22 Javie-Anne Bauer	jbauer@maclaw.com
23 Cristina Robertson	crobertson@carlyoncica.com
24 Alexander Calaway	acalaway@maclaw.com

**Marquis Aurbach Coffing**

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paurbach@maclaw.com  
acalaway@maclaw.com

*Attorneys for Dominique Arnould*

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

DOMINIQUE ARNOULD,

Plaintiff/ Counter-Defendant,

vs.

CLEMENT MUNNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive; and ROE CORPORATIONS I through  
X, inclusive,

Defendants/Counterclaimant.

Case No.: A-19-803488-B

Dept. No.: 27

**PLAINTIFF'S VERIFIED  
MEMORANDUM OF COSTS**

Pursuant to NRS 18.110, Plaintiff Dominique Arnould, by and through its counsel of record, the law firm of Marquis Aurbach Coffing, hereby submits the following Verified Memorandum of Costs incurred in this action:

EXHIBIT	DESCRIPTION	AMOUNT	NRS AUTHORIZED
1	Clerk of the Court Filing Fees Online Filing Fees – District Court	\$1,930.00 \$119.00	NRS 18.005(1) NRS 18.005(1)
2A-2D	Receiver Costs	\$49,006.36	NRS 18.005(4)-(5), (17)
3	Process Server - Report to Court	\$105.00	NRS 18.005(7)
4	Photocopies	\$1,254.75	NRS 18.005(12)
5	Postage	\$10.05	NRS 18.005(14)
6	Scanning	\$152.75	NRS 18.005(12)(17)



**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

7	Westlaw Research	\$2,254.49.	NRS 18.005(17)
8	Messenger Service	\$5.00	NRS 18.005(17)
9	<u>Miscellaneous:</u> Settlement Conference Hosting	\$69.78	NRS 18.005(17)
10	Parking Fees	\$24.00	NRS 18.005(17)
11	Premiere Global Services Conference Call	\$53.42	NRS 18.005(17)
12	Witness Fees	\$100.00	NRS 18.005(4-5)
	<b>TOTAL COSTS:</b>	<b>\$55,084.60</b>	

Dated this 21st day of September, 2021.

MARQUIS AURBACH COFFING

By /s/Alexander K. Calaway  
Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Drive  
Las Vegas, Nevada, 89145  
*Attorneys for Dominique Arnould*

**DECLARATION OF ALEXANDER K. CALAWAY, ESQ. IN SUPPORT OF VERIFIED  
MEMORANDUM OF COSTS**

ALEXANDER K. CALAWAY, Esq., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true.

2. I am an associate with the law firm of Marquis Aurbach Coffing ("MAC"), counsel for Dominique Arnould ("Arnould"), in this matter (Case No A-19-803488-B). I make this declaration in support of Mr. Arnould's Verified Memorandum of Costs.

3. Attached to this Verified Memorandum of Costs are true, accurate, and authentic copies of supporting documentation for the costs incurred in this matter by Mr. Arnould which are attached hereto as **Exhibit(s) 1-12**.

**A. CLERKS' FEES - NRS 18.005(1)**

4. NRS 18.005(1) permits district court clerks' fees. **Exhibit 1** is the Register of Actions of specific filing fees allocated to this case reflecting the Clerk of the Court's Filing Fees and Online Fees.

5. Such fees are automatically allocated and tracked internally to Mr. Arnould by inserting the client code when completing the electronic filing. There should be no dispute that such costs are necessary and incurred.

6. The total amount of these costs Mr. Arnould incurred was \$2,049. *See Exhibit 1.*

**B. RECEIVER'S FEES - NRS 18.005(4)-(5), (17):**

7. NRS 18.005(17) permits any "reasonable and necessary expense incurred in connection with the action..."

8. Pursuant to NRS 18.005(4)-(5), costs are defined as:

Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity... [and] [r]easonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.

1           9.       On June 8, 2020, this Court appointed a receiver with limited powers to prepare a  
2 report about the viability of Chef Exec Suppliers, LLC (the “Company”). *See* February 17, 2021  
3 Order Re: Motion to Approve Receiver’s Final Report and Discharge Receiver, at ¶1, on file  
4 herein. Shortly thereafter, the Court appointed Larry L. Bertsch, CPA as the receiver over the  
5 Company (the “Receiver”). *Id.*

6           10.      On or about August 14, 2020, a portion of the Receiver’s fees and expenses were  
7 approved by the Court. *See* Order Approving Compensation of Receiver and his Counsel Through  
8 July 31, 2020, on file herein. Pursuant to that Order, Mr. Arnould incurred receiver fees and  
9 expenses in the amount of \$7,897.25 (the “**Initial Costs**”). *Id.*

10          11.      Mr. Arnould paid the **\$7,332.25** of Initial Costs to the Receiver. **Exhibit 2A** is a  
11 true and correct copy of the payment made to the Receiver from Mr. Arnould for the Initial Costs  
12 described herein.

13          12.      On December 7, 2020, the Receiver issued his Final Report and Recommendations  
14 (“Final Report”), on file herein. *Id.* at ¶2. Pursuant to the Final Report, the Receiver fees and  
15 expenses were \$55,850.21. *See* Final Report, at Exhibit C-6, on file herein. The Receiver also  
16 calculated the amount due Mr. Arnould would need to pay to pay cover his share of Receiver’s  
17 fees and expenses was equal to \$16,630.31 (the “**Report Costs**”). *Id.* at p. 11 and Exhibit D-2,  
18 attached thereto.

19          13.      On December 23, 2020, Mr. Arnould filed his Motion to Approve the Receiver’s  
20 Final Report and Discharge Receiver, wherein Mr. Arnould specifically requested that: (a) the  
21 Receiver’s Final Report be approved; (b) the Receiver’s professional fees and expenses related to  
22 objections to the Receiver’s Final Report be borne by the objector; and (c) the receivership be  
23 finalized and that the Receiver be discharged consistent with his Final Report. *Id.* at ¶3; *see also*,  
24 Plaintiff’s Motion to Approve Receiver’s Final Report and Discharge Receiver, at pgs. 2-4.

25          14.      On January 29, 2021, Mr. Muney lodged an objection to the Final Report which  
26 incurred additional and unnecessary Receiver’s receivership fees and expenses (the “**Objection**  
27 **Costs**”). *See* Defendants’ Objection to Receiver’s Final Report and Recommendation, on file  
28 herein.

15. On February 17, 2021, the Court entered its Order granting Mr. Arnould's Motion to Approve Receiver's Final Report and Discharge Receiver in all respects. *See* Order Regarding Motion to Approve Receiver's Final Report and Discharge Receiver, at p. 2, on file herein.

16. On March 1, 2021, the parties stipulated to and the Court approved the Receiver's fees and expenses. *See* Stipulation and Order for Payment of Professional Fees of Receiver and for Release of Funds Held in Trust, on file herein, which is also attached hereto as **Exhibit 2C**.

17. Pursuant to this Stipulation and Order, Mr. Arnould was to pay \$22,712.56 to the Receiver for his professional fees of and expenses which incorporated both the Report Costs and the Objection Costs. *Id.* at ¶4.

18. Mr. Arnould made his payment of **\$22,712.56** to the Receiver for the Report Costs and the Objection Costs. **Exhibit 2B** is a true and correct copy of the payment made by Mr. Arnould for the Report and Objection Costs described herein.

19. Also, pursuant to this Stipulation and Order, \$37,923.10 of Company funds had been held in trust by the Receiver but were released to the Receiver to pay his remaining professional fees incurred during this Receivership (the "Remaining Costs").

20. **Exhibit 2C** is a true and correct copy of the Stipulation and Order to Release the \$37,923.10 in Company funds. **Exhibit 2D** is a true and correct copy of an email from the Receiver verifying the amounts he received from Mr. Arnould

21. Mr. Arnould made his final payment of **\$18,961.55** for the Remaining Costs from his capital account. *See* **Exhibit 2C**.

22. Therefore, in total, Mr. Arnould paid **\$49,006.36** for Receiver fees and expenses. *See* **Exhibits 2A-2D**.

**C. PROCESS SERVER - NRS 18.005(7)**

23. NRS 18.005(7) permits the fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

24. Attached hereto as **Exhibit 3** is the supporting documentation reflecting costs associated with service of subpoenas on Jeremy Muney, Michelle Giffen and CMJJ Gourmet.

1           **D.       PHOTOCOPIES, POSTAGE, AND SCANNING - NRS 18.005(12)(14)(17)**

2           25.     Pursuant to NRS 18.005(12), costs include reasonable costs for photocopies. A  
3 true and correct copy of the itemized report of photocopying charges for black and white  
4 photocopies is attached hereto as **Exhibit 4**.

5           26.     The copy machines at Marquis Aurbach Coffing are set up with electronic counters  
6 to capture each copy or scan made. In order to print or scan, a prompt appears that requires input  
7 of the client code, consisting of a unique five-digit client number, and a three-digit file number  
8 (e.g., 12345.001).

9           27.     Arnould's client number and file number for this action is a personal and unique  
10 number. By inputting the unique client code, the date and number of copies is recorded  
11 electronically and allocated to the client. Attorneys and staff are instructed in the proper operation  
12 of the copiers, including proper input of the client code.

13          28.     When bills are processed (usually monthly), the date and number of copies for each  
14 use of the printers are printed out, along with each time entry. When the draft billing of WIP  
15 (Work in Progress) are reviewed at the end of each month, the reviewing attorney(s) or staff  
16 members are able to review the copies made, and can even compare the date of the copies made  
17 against billing entries. Black and White copies are billed to clients at \$.25 per page. Color copies  
18 are billed to clients at \$1.00 per page. Color copies cost more to print.

19          29.     However, when monthly bills are sent to clients, the Billing Statement only  
20 contains a description for "copies" or "scanning charges" and the total amount. In other words,  
21 the Billing Statement sent to clients does not include each date and number of copies made.

22          30.     During the course of an active case such as this action, Marquis Aurbach Coffing  
23 maintains a "hard" file containing a printed copy of all pleadings and discovery. Obviously, there  
24 are other times when copies may be made. For example, for each hearing, a "hearing binder" is  
25 prepared with copies of all relevant pleadings. Trial binders and Exhibit Binders were prepared for  
26 trial, with copies delivered to the Court, to opposing counsel, and a separate set retained.

1           31.     Additionally, during the course of litigation, specific documents or pleadings are  
2 printed in connection with the preparation of pleadings, research and analysis, and depositions.  
3 Pleadings circulated for “wet” signatures to opposing counsel before filing also require printing.

4           32.     While the express purpose of every cost entry cannot always be determined with  
5 exact specificity, I have reviewed the dates where there are a high number of copy charges listed  
6 and compared such date(s) against the attorney billing entry corresponding to that same date.  
7 Inevitably, when comparing the dates where a significant number of copies are made, the  
8 corresponding date for the billing entry reveals the necessary purpose of the copies.

9           33.     In short, the photocopying expenses were necessary and incurred in this case, and  
10 should be awarded as requested.

11           34.     **Exhibit 5** includes an accurate copy of MAC’s records regarding postage. The  
12 entries for postage correspond to documents that could not be handled electronically. As such, the  
13 costs were necessary to litigation of this matter and are permitted under NRS 18.005(14).

14           35.     **Exhibit 6** reflects an itemized list of the reasonable charges to scan documents  
15 which are permitted under NRS 18.005(12) and (17).

16           36.     When printed documents related to the action were received from the client,  
17 opposing counsel or other source, the documents were scanned and saved on the computer database  
18 in the Arnould directory.

19           37.     As explained with Exhibit 4 above, the copy machines at Marquis Aurbach Coffing  
20 are set up with electronic counters to capture each scan made. In order to scan, a prompt appears  
21 that requires input of the client code, consisting of a unique five-digit client number, and a three-  
22 digit file number (i.e. 12345.001). Arnould’s client number and file number for this action is a  
23 personal and unique number. By inputting the unique client code, the date and number of copies  
24 is recorded electronically and allocated to the client. Attorneys and staff are instructed in the proper  
25 operation of the copiers, including proper input of the client code.

26           38.     Scanned documents/pages are processed and billed in the same manner as copies.  
27 I note that “scanned” pages are only made from printed pages, and not PDF documents received  
28 via email. Scanned copies are billed to clients at \$.25 per page. When monthly bills are sent to

1 clients, the Billing Statement only contains a Description for “copies” or “scanning charges” and  
2 the total amount. In other words, the Billing Statement sent to clients does not include each date  
3 and number of copies made.

4 39. While the express purpose of every cost entry cannot always be determined with  
5 exact specificity, I have reviewed the dates where there are a high number of scan charges are  
6 listed and compared such date(s) against the attorney billing entry corresponding to that same date.  
7 It appears there where a significant number of scanned copies as noted, there is generally a  
8 corresponding billing entry reflecting attorney work.

9 40. I submit that the expenses for scanning were necessary and incurred in this case,  
10 and should be awarded as requested.

11 **E. MISCELLANEOUS EXPENSES - NRS 18.005(17):**

12 41. NRS 18.005(17) permits any “reasonable and necessary expense incurred in  
13 connection with the action, including reasonable and necessary expenses for computerized services  
14 for legal research.”

15 42. Arnould is requesting \$2,254.49 in costs related to Westlaw Research, which is  
16 expressly permitted under NRS 18.005(17). **Exhibit 7** reflects a true and correct copy of  
17 documentation for Westlaw Research expressly attributable to this litigation.

18 43. Much of the Westlaw Research is attributable to myself and the legal research I  
19 conducted was necessary in developing the defenses and strategies that proved successful. The  
20 legal theories propounded by Mr. Muney were, to a large extent, convoluted and contrary  
21 commonly recognized legal principles, especially those related to limited liability companies. For  
22 example, Mr. Muney alleged to bring unsupported causes of action both derivatively and directly  
23 on behalf of the Company which was a misguided application of the law. *See* September 10, 2021  
24 Findings of Fact and Conclusions of Law, at Conclusion(s) of Law ¶¶94-113.

25 44. Similarly, Mr. Muney refused to withdraw baseless his claims against Mr. Arnould  
26 even after it was clear he had no support to maintain his claims and defenses. *Id.* at Conclusion(s)  
27 of Law ¶¶17, 18, 29, 35, 42, 54, 65, 76, 86, 93, 103, 108, 113.

1           45.     Respectfully, it was necessary to conduct research to identify case law supporting  
2 Mr. Arnould's position. The Westlaw charges were necessary and should be awarded.

3           46.     Mr. Arnould is requesting \$5.00 in costs related to messenger service, which is  
4 permitted under NRS 18.005(17). **Exhibit 8** is a true and correct copy of the supporting  
5 documentation in support of a messenger service that was used to transport documents between  
6 counsels' offices or between MAC and the Court. These charges were necessarily incurred for  
7 documents that could not be finalized or filed through electronic means.

8           47.     Arnould is requesting costs for parking, conference calling services, and subpoenas,  
9 which were reasonable costs related the action and permitted under NRS 18.005(17).

10          48.     Attached hereto as **Exhibit 9** is the supporting documentation reflecting  
11 miscellaneous costs associated settlement hosting expenses and lunch which was provided by  
12 MAC to all parties, Mr. Muney, his counsel, and the settlement judge.

13          49.     **Exhibit 10** is a true and correct copy of documentation for parking fees incurred  
14 while attending Court hearings and trial all of which were necessary for resolution in this case.

15          50.     **Exhibit 11** is the supporting documentation reflecting costs associated for  
16 conference call services incurred which were necessary for numerous financial and accounting  
17 conference calls during the receivership.

18          51.     **Exhibit 12** is the supporting documentation reflecting witness fees paid to  
19 witnesses who were served with subpoenas.

20                 Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of  
21 Nevada that the foregoing is true and correct.

22                 Dated this 21st day of September, 2021.

23  
24                                 /s/ Alexander K. Calaway  
ALEXANDER K. CALAWAY, ESQ.



**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFF'S VERIFIED MEMORANDUM OF COSTS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 21st day of September, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

Robert Kern  
Melissa Milroy

Robert@Kernlawoffices.com  
Admin@KernLawOffices.com

/s/ Cally Hatfield  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

# Exhibit 1

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## REGISTER OF ACTIONS

CASE NO. A-19-803488-B

Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)

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Case Type: **NRS Chapters 78-89**

Date Filed: **10/11/2019**

Location: **Department 27**

Cross-Reference Case Number: **A803488**

Supreme Court No.: **81354**

**81355**

**81356**

### PARTY INFORMATION

Counter Claimant	Chef Exec Suppliers, LLC	Lead Attorneys Robert J. Kern <i>Retained</i> 702-518-4529(W)
Counter Claimant	Muney, Clement	Robert J. Kern <i>Retained</i> 702-518-4529(W)
Counter Defendant	Arnould, Dominique	Phillip S. Aurbach <i>Retained</i> 7029422155(W)
Defendant	Chef Exec Suppliers, LLC	Robert J. Kern <i>Retained</i> 702-518-4529(W)
Defendant	Muney, Clement	Robert J. Kern <i>Retained</i> 702-518-4529(W)
Other	Southern Nevada Senior Law Project	
Plaintiff	Arnould, Dominique	Phillip S. Aurbach <i>Retained</i> 7029422155(W)

### EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
06/12/2020	<b>Sanctions</b> (Judicial Officer: Allf, Nancy) Debtors: Robert Kern, ESQ. (Other) Creditors: Clark County Law Foundation (Other), Legal Aid Center of Southern Nevada (Other), Clark County Library (Other), Nevada Law Foundation (Other), Southern Nevada Senior Law Project (Other) Judgment: 06/12/2020, Docketed: 06/18/2020 Total Judgment: 100.00
09/14/2021	<b>Judgment</b> (Judicial Officer: Allf, Nancy) Debtors: Clement Muney (Defendant) Creditors: Dominique Arnould (Plaintiff) Judgment: 09/14/2021, Docketed: 09/15/2021 Total Judgment: 6,303.93
OTHER EVENTS AND HEARINGS	
10/11/2019	<b>Complaint (Business Court)</b> Doc ID# 1 [1] Complaint for Appointment of a Receiver or Dissolution of LLC; Declaratory Relief; Breach of Fiduciary Duty; and Damages
10/11/2019	<b>Initial Appearance Fee Disclosure</b> Doc ID# 2 [2] Initial Appearance Fee Disclosure
10/11/2019	<b>Summons Electronically Issued - Service Pending</b> Doc ID# 3 [3] Summons - Civil
10/11/2019	<b>Summons Electronically Issued - Service Pending</b> Doc ID# 4 [4] Summons - Civil
10/14/2019	<b>Disclosure Statement</b> Doc ID# 5 [5] NRCP Rule 7.1 Disclosure Statement
10/15/2019	<b>Acceptance of Service</b> Doc ID# 6 [6] Acceptance of Service
11/07/2019	<b>Answer and Counterclaim</b> Doc ID# 7

[7] Answer and Counterclaims  
11/07/2019 **Initial Appearance Fee Disclosure** Doc ID# 8  
[8] Initial Appearance Fee Disclosure  
12/02/2019 **Answer to Counterclaim** Doc ID# 9  
[9] Plaintiff Dominique Arnould's Answer to Defendants' Counterclaim  
12/06/2019 **Mandatory Rule 16 Conference Order** Doc ID# 10  
[10] Mandatory Rule 16 Conference  
12/09/2019 **Motion for Summary Judgment** Doc ID# 11  
[11] Defendants' Motion for Partial Summary Judgment  
12/09/2019 **Affidavit** Doc ID# 12  
[12] Affidavit in Support of Defendants Motion for Partial Summary Judgment  
12/09/2019 **Clerk's Notice of Hearing** Doc ID# 13  
[13] Notice of Hearing  
12/10/2019 **Motion for Appointment** Doc ID# 14  
[14] Plaintiff Dominique Arnould's Motion for Appointment of Trustee  
12/10/2019 **Clerk's Notice of Hearing** Doc ID# 15  
[15] Notice of Hearing  
12/19/2019 **Opposition to Motion For Summary Judgment** Doc ID# 16  
[16] Plaintiff Dominique Arnould's Opposition to Defendants Motion for Partial Summary Judgment  
12/20/2019 **Errata** Doc ID# 17  
[17] Errata to Plaintiff Dominique Arnould's Opposition to Defendants' Motion for Partial Summary Judgment  
12/23/2019 **Opposition to Motion** Doc ID# 18  
[18] Defendants' Opposition To Motion For Appointment Of Trustee  
12/27/2019 **Reply in Support** Doc ID# 19  
[19] Defendant's Reply in Support of Summary Judgment  
12/31/2019 **Supplement to Opposition** Doc ID# 20  
[20] Supplement to Plaintiff Dominique Arnould's Opposition to Motion for Partial Summary Judgment  
01/03/2020 **Notice of Compliance** Doc ID# 21  
[21] Defendants' Notice of Compliance  
01/03/2020 **Notice of Compliance** Doc ID# 22  
[22] Notice of Compliance  
01/08/2020 **Reply in Support** Doc ID# 23  
[23] Plaintiff Dominique Arnould's Reply in Support of Motion for Appointment of Trustee  
01/09/2020 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer Allf, Nancy)  
01/09/2020 Reset by Court to 01/09/2020  
01/15/2020 Reset by Court to 02/20/2020  
Result: Matter Continued  
01/09/2020 **Motion for Partial Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)  
Defendants' Motion for Partial Summary Judgment  
Result: Denied  
01/09/2020 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard  
01/17/2020 **Order Denying Motion** Doc ID# 24  
[24] Order Denying Defendant's Motion for Summary Judgment  
01/17/2020 **Notice of Entry of Order** Doc ID# 25  
[25] Notice of Entry of Order Denying Defendant's Motion for Summary Judgment  
02/07/2020 **Settlement Conference** (9:30 AM) (Judicial Officer Williams, Timothy C.)  
[Minutes](#)  
Result: Matter Settled  
02/20/2020 **CANCELED Motion for Appointment** (10:00 AM) (Judicial Officer Allf, Nancy)  
Vacated  
Plaintiff Dominique Arnould's Motion for Appointment of Trustee  
01/15/2020 Reset by Court to 02/20/2020  
03/09/2020 **Stipulation and Order** Doc ID# 26  
[26] Stipulation and Order to Continue Hearing  
03/13/2020 **Motion for Partial Summary Judgment** Doc ID# 27  
[27] Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution  
03/13/2020 **Clerk's Notice of Hearing** Doc ID# 28  
[28] Notice of Hearing  
03/20/2020 **Opposition and Countermotion** Doc ID# 29  
[29] Opposition to motion for summary judgment and counter-motion for enforcement of settlement agreement  
03/23/2020 **Clerk's Notice of Hearing** Doc ID# 30  
[30] Clerk's Notice of Hearing  
03/27/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: Motion for Appointment of Receiver and Mandatory Rule 16 Conference set 4/1/2020 VACATED  
[Minutes](#)  
Result: Minute Order - No Hearing Held  
03/30/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
[Minutes](#)  
Result: Minute Order - No Hearing Held  
04/01/2020 **CANCELED Motion for Appointment of Receiver** (9:30 AM) (Judicial Officer Allf, Nancy)  
Vacated  
03/05/2020 Reset by Court to 05/06/2020  
05/06/2020 Reset by Court to 04/01/2020  
04/01/2020 **CANCELED Mandatory Rule 16 Conference** (9:30 AM) (Judicial Officer Allf, Nancy)  
Vacated  
03/05/2020 Reset by Court to 05/06/2020

05/06/2020 Reset by Court to 04/01/2020

04/06/2020 **Opposition and Counter-motion** **Doc ID# 31**  
 [31] Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement

04/08/2020 **Reply in Support** **Doc ID# 32**  
 [32] Plaintiff Dominique Arnould's Reply in Support of Motion for Partial Summary Judgment

04/13/2020 **Reply in Support** **Doc ID# 33**  
 [33] Defendants' Reply in Support of Counter-motion for Enforcement Agreement, and Opposition to Motion to Strike

04/14/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

04/21/2020 **CANCELED Status Check: Settlement Documents** (3:00 AM) (Judicial Officer Allf, Nancy)  
 Vacated - On in Error

04/28/2020 **Status Check: Settlement Documents** (3:00 AM) (Judicial Officer Allf, Nancy)  
[Minutes](#)  
 Result: Matter Continued

04/30/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
 Minute Order: Plaintiff's MOTION for Appointment of Trustee RESET to 5/20/2020  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

05/13/2020 **Reply in Support** **Doc ID# 34**  
 [34] Plaintiff Dominique Arnould's Reply In Support of Counter-Motion to Strike Documents Related to Settlement

05/18/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
 Minute Order: Matters set 5/20/2020 CONTINUED to 6/24/2020  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

05/20/2020 **Application** **Doc ID# 35**  
 [35] Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/20/2020 **Clerk's Notice of Hearing** **Doc ID# 36**  
 [36] Notice of Hearing

05/20/2020 **Amended** **Doc ID# 37**  
 [37] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/20/2020 **Temporary Restraining Order** **Doc ID# 38**  
 [38] Temporary Restraining Order

05/20/2020 **Application** **Doc ID# 39**  
 [39] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/21/2020 **Certificate of Mailing** **Doc ID# 40**  
 [40] Certificate of Mailing

05/21/2020 **Notice of Entry of Order** **Doc ID# 41**  
 [41] Notice of Entry of Order

05/21/2020 **Mandatory Rule 16 Conference Order** **Doc ID# 42**  
 [42] Business Court Order to Appear for Mandatory 16. Conference

05/22/2020 **Motion for Temporary Restraining Order** (1:00 PM) (Judicial Officer Allf, Nancy)  
 Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction  
 06/24/2020 Reset by Court to 05/22/2020

05/22/2020 **Opposition and Counter-motion** **Doc ID# 43**  
 [43] Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order

05/22/2020 **Opposition and Counter-motion** (1:00 PM) (Judicial Officer Allf, Nancy)  
 Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order  
 06/24/2020 Reset by Court to 05/22/2020

05/22/2020 **Clerk's Notice of Hearing** **Doc ID# 44**  
 [44] Notice of Hearing

05/22/2020 **Notice of Change of Hearing** **Doc ID# 45**  
 [45] Notice of Change of Hearing

05/22/2020 **All Pending Motions** (1:00 PM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

05/29/2020 **Recorders Transcript of Hearing** **Doc ID# 46**  
 [46] Transcript of Proceedings, Motions, Heard on May 22, 2020

06/05/2020 **Motion** **Doc ID# 47**  
 [47] Plaintiff's Motion to Select Receiver

06/08/2020 **Clerk's Notice of Hearing** **Doc ID# 48**  
 [48] Notice of Hearing

06/08/2020 **Order** **Doc ID# 49**  
 [49] Order

06/08/2020 **Notice of Entry of Order** **Doc ID# 50**  
 [50] Notice of Entry of Order

06/10/2020 **Request** **Doc ID# 51**  
 [51] Plaintiff's Emergency Request for Telephonic Hearing for an Appointment of Receiver to Take Over the Warehouse or for Order Allowing Access

06/10/2020 **Response** **Doc ID# 52**  
 [52] Defendants Response to Arnould's Request for Emergency Hearing

06/10/2020 **Hearing** (1:30 PM) (Judicial Officer Allf, Nancy)  
 06/10/2020, 06/12/2020  
 Request for Emergency hearing  
[Parties Present](#)  
[Minutes](#)  
 06/10/2020 Reset by Court to 06/12/2020

Result: Matter Continued  
06/10/2020 **Reply in Support Doc ID# 53**  
[53] Reply Declaration of Phil Aurbach in Support of Telephone Conference and Access to Warehouse

06/11/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: Requested for Emergency Hearing set 6/10/2020 CONTINUED to 6/12/2020  
[Minutes](#)

Result: Minute Order - No Hearing Held  
06/12/2020 **Motion** (12:30 PM) (Judicial Officer Allf, Nancy)  
Plaintiff's Motion to Select Receiver  
07/09/2020 Reset by Court to 06/12/2020

Result: Granted  
06/12/2020 **Order Doc ID# 54**  
[54] Order

06/12/2020 **Order Doc ID# 55**  
[55] Order Issuing Sanction

06/12/2020 **All Pending Motions** (12:30 PM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard  
06/15/2020 **Notice of Appeal Doc ID# 56**  
[56] Notice of Appeal

06/15/2020 **Notice of Appeal Doc ID# 57**  
[57] Notice of Appeal

06/15/2020 **Notice of Appeal Doc ID# 58**  
[58] Notice of Appeal

06/19/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)

Result: Minute Order - No Hearing Held  
06/24/2020 **Motion for Partial Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)  
Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution  
04/15/2020 Reset by Court to 04/15/2020  
05/20/2020 Reset by Court to 06/24/2020

Result: Denied Without Prejudice  
06/24/2020 **CANCELED Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)  
Vacated - Previously Decided  
Defendant's Opposition to Motion for Partial Summary Judgment and Counter-Motion for Enforcement of Settlement Agreement  
05/20/2020 Reset by Court to 06/24/2020

06/24/2020 **CANCELED Motion for Appointment** (10:30 AM) (Judicial Officer Allf, Nancy)  
Vacated - Previously Decided  
Plaintiff Dominique Arnould's Motion for Appointment of Trustee  
05/20/2020 Reset by Court to 06/24/2020

06/24/2020 **CANCELED Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)  
Vacated - Previously Decided  
Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement  
05/20/2020 Reset by Court to 06/24/2020

06/24/2020 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer Allf, Nancy)  
06/24/2020, 07/22/2020

Result: Matter Continued  
06/24/2020 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard  
07/14/2020 **Joint Case Conference Report Doc ID# 59**  
[59] Joint Case Conference Report

07/15/2020 **Amended Joint Case Conference Report Doc ID# 60**  
[60] Amended Joint Case Conference Report

07/21/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)

Result: Minute Order - No Hearing Held  
07/21/2020 **Stipulation and Order Doc ID# 61**  
[61] Stipulation and Order to Employ Carlyon Cica

07/22/2020 **Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
07/22/2020, 08/12/2020  
Status Check: Receiver's Report  
[Parties Present](#)  
[Minutes](#)

Result: Matter Continued  
07/22/2020 **All Pending Motions** (9:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard  
07/28/2020 **Demand for Jury Trial Doc ID# 62**  
[62] Demand for Jury Trial

08/06/2020 **Scheduling and Trial Order Doc ID# 63**  
 [63] Business Court Scheduling Order And Order Setting: (1) Civil Jury Trial; (2) Calendar Call; And Status Check

08/07/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

08/11/2020 **Receiver Report Doc ID# 64**  
 [64] Receiver's Preliminary Report and Recommendations

08/14/2020 **Order Approving Doc ID# 65**  
 [65] Order Approving Compensation of the Receiver and His Counsel Through July 31, 2020

08/17/2020 **Notice of Entry of Order Doc ID# 66**  
 [66] Notice of Entry of Order Approving Compensation of the Receiver and His Counsel through July 31, 2020

08/21/2020 **Order Doc ID# 67**  
 [67] Order of Dissolution Payment of Fees and Other Orders

09/04/2020 **Response Doc ID# 68**  
 [68] Defendants' Response to Receiver's Preliminary Report

09/04/2020 **Response Doc ID# 69**  
 [69] Dominique Arnould's Response to the Receiver's Report

09/09/2020 **Request Doc ID# 70**  
 [70] Defendants' Emergency Request for Telephonic Hearing

09/10/2020 **Telephonic Conference (3:00 PM)** (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

09/10/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

09/10/2020 **Document Filed Doc ID# 71**  
 [71] Receiver's Rent Analysis

09/18/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: Blue Jeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

09/23/2020 **Status Check (9:30 AM)** (Judicial Officer Allf, Nancy)  
 Status Check: Status of Case/Dissolution  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

09/28/2020 **Motion Doc ID# 72**  
 [72] Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Regarding Winding up the LLC on an Order Shortening Time

09/29/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

09/29/2020 **Opposition to Motion For Summary Judgment Doc ID# 73**  
 [73] Opposition to Motion for Partial Summary Judgment

09/30/2020 **Motion for Summary Judgment (10:30 AM)** (Judicial Officer Allf, Nancy)  
 Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Re; Winding Up the LLC on Order Shortening Time  
[Parties Present](#)  
[Minutes](#)  
 Result: No Ruling

10/02/2020 **Order Doc ID# 74**  
 [74] Order RE: Arnould's Motion for Winding Up the LLC

10/16/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

10/22/2020 **Recorders Transcript of Hearing Doc ID# 75**  
 [75] Transcript of Proceedings, Pending Motions, Heard on August 12, 2020

10/27/2020 **Minute Order (3:00 AM)** (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

11/02/2020 **Request Doc ID# 76**  
 [76] REQUEST FOR TRANSCRIPT OF PROCEEDINGS

11/16/2020 **Objection Doc ID# 77**  
 [77] Non-Party CMJJ's Objection to Subpoena and Subpoena Duces Tecum

11/17/2020 **Objection Doc ID# 78**  
 [78] Non-Party Jeremy Muney's Objection to Subpoena and Subpoena Duces Tecum

11/23/2020 **Objection Doc ID# 79**  
 [79] Non-Party CMJJ's Objection to Amended Subpoena and Subpoena Duces Tecum

11/23/2020 **Objection Doc ID# 80**  
 [80] Non-Party Jeremy Muney's Objection to Amended Subpoena and Subpoena Duces Tecum

12/07/2020 **Receiver Report Doc ID# 81**  
 [81] Receiver's Final Report and Recommendations

12/10/2020 **CANCELED Status Check (10:00 AM)** (Judicial Officer Allf, Nancy)  
 Vacated

03/18/2021 Reset by Court to 12/10/2020

12/22/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

12/23/2020 **Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
*Status Check: Receiver's Report*  
[Minutes](#)  
 10/21/2020 Reset by Court to 11/04/2020  
 11/04/2020 Reset by Court to 12/03/2020  
 12/03/2020 Reset by Court to 12/10/2020  
 12/10/2020 Reset by Court to 12/23/2020  
 Result: Minute Order - No Hearing Held

12/23/2020 **Motion Doc ID# 82**  
 [82] Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver

12/24/2020 **Clerk's Notice of Hearing Doc ID# 83**  
 [83] Notice of Hearing

12/30/2020 **Stipulation and Order Doc ID# 84**  
 [84] Stipulation and Order to Close Bank Account

12/31/2020 **Notice of Entry Doc ID# 85**  
 [85] Notice of Entry of Stipulation and Order to Close Company Bank Account

01/05/2021 **Recorders Transcript of Hearing Doc ID# 86**  
 [86] Transcript of Proceedings, Motions, Heard on June 12, 2020

01/06/2021 **Opposition to Motion Doc ID# 87**  
 [87] Opposition to Motion to Approve Final Receivers Report

01/08/2021 **Stipulation and Order Doc ID# 88**  
 [88] Stipulation and Order to Extend Discovery and Continue Trial (First Request)

01/08/2021 **Scheduling and Trial Order Doc ID# 89**  
 [89] Business Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and (3) Status Check

01/20/2021 **Reply in Support Doc ID# 90**  
 [90] Plaintiff's Reply in Support of its Motion to Approve Receiver's Final Report and Discharge Receiver

01/26/2021 **Minute Order** (9:55 AM) (Judicial Officer Allf, Nancy)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

01/28/2021 **Recorders Transcript of Hearing Doc ID# 91**  
 [91] Transcript of Proceedings, Status Check: Receiver's Report, Heard on December 23, 2020

01/29/2021 **Objection Doc ID# 92**  
 [92] Defendants' Objection to Receiver's Final Report

02/06/2021 **Response Doc ID# 93**  
 [93] Response to Defendants' Objection to Receiver's Final Report and Recommendations

02/09/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

02/10/2021 **Motion** (10:00 AM) (Judicial Officer Allf, Nancy)  
*Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver*  
[Parties Present](#)  
[Minutes](#)  
 01/27/2021 Reset by Court to 02/10/2021  
 Result: Granted

02/17/2021 **Order Doc ID# 94**  
 [94] Order

02/18/2021 **Notice of Entry of Order Doc ID# 95**  
 [95] Notice of Entry of Order

02/21/2021 **Stipulation and Order to Extend Discovery Deadlines Doc ID# 96**  
 [96] Stipulation and Order to Extend Discovery and Continue Trial (Second Request)

02/23/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

02/23/2021 **Scheduling and Trial Order Doc ID# 97**  
 [97] Business Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and Status Check (Second Request)

02/24/2021 **Status Check** (10:00 AM) (Judicial Officer Allf, Nancy)  
*Status Check: Bank Account Issues*  
[Parties Present](#)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

02/26/2021 **Stipulation and Order Doc ID# 98**  
 [98] Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust

03/01/2021 **Notice of Entry of Stipulation and Order Doc ID# 99**  
 [99] Notice of Entry Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust

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

04/19/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Vacated

05/06/2021 **Motion to Stay Doc ID# 100**  
 [100] Motion for Stay of Proceedings Pending Appeal



05/06/2021 **Clerk's Notice of Nonconforming Document** **Doc ID# 101**  
*[101] Clerk's Notice of Nonconforming Document*

05/06/2021 **Motion to Stay** **Doc ID# 102**  
*[102] Motion for Stay Pending Appeal*

05/06/2021 **Clerk's Notice of Hearing** **Doc ID# 103**  
*[103] Notice of Hearing*

05/13/2021 **CANCELED Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
*Vacated*  
*Trial Readiness*

05/17/2021 **Affidavit of Service** **Doc ID# 104**  
*[104] Affidavit of Service*

05/17/2021 **Affidavit of Service** **Doc ID# 105**  
*[105] Affidavit of Service*

05/20/2021 **Opposition to Motion** **Doc ID# 106**  
*[106] Dominique Arnould's Opposition to Defendants' Motion for Stay Pending Appeal*

05/26/2021 **Reply in Support** **Doc ID# 107**  
*[107] Reply in Support of Motion for Stay of Proceedings Pending Appeal*

06/04/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: Continuance of matter set on June 17, 2021*  
[Minutes](#)

06/08/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearances*  
[Minutes](#)

06/09/2021 **Motion For Stay** (9:30 AM) (Judicial Officer Allf, Nancy)  
*Defendants' Motion for Stay Pending Appeal*  
[Parties Present](#)  
[Minutes](#)

06/14/2021 **Motion for Summary Judgment** **Doc ID# 108**  
*[108] Plaintiff. Dominique Arnould's Motion for Summary Judgment*

06/14/2021 **Clerk's Notice of Hearing** **Doc ID# 109**  
*[109] Notice of Hearing*

06/17/2021 **Order** **Doc ID# 110**  
*[110] Order Denying Defendants/ Counter- Claimants' Motion for Stay Pending Appeal*

06/18/2021 **CANCELED Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
*Vacated*  
*Status Check: Trial Readiness*  
*06/17/2021 Reset by Court to 06/18/2021*

06/18/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: Status Check on 6/18/2021 VACATED*  
[Minutes](#)

06/18/2021 **Notice of Rescheduling of Hearing** **Doc ID# 111**  
*[111] Notice of Rescheduling of Hearing*

06/24/2021 **CANCELED Calendar Call** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Vacated*

06/24/2021 **Opposition to Motion** **Doc ID# 112**  
*[112] Opposition to Plaintiff's Motion for Summary Judgment*

06/28/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Vacated*

07/02/2021 **Mandatory Pretrial Disclosure** **Doc ID# 113**  
*[113] Plaintiff/ Counter-Defendant Dominique Arnould's Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)*

07/09/2021 **Motion to Compel** **Doc ID# 114**  
*[114] Motion to Compel Discovery Responses*

07/09/2021 **Reply in Support** **Doc ID# 115**  
*[115] Plaintiff, Dominique Arnould's Reply in Support of Motion for Summary Judgment*

07/09/2021 **Clerk's Notice of Hearing** **Doc ID# 116**  
*[116] Notice of Hearing*

07/13/2021 **Stipulation and Order** **Doc ID# 117**  
*[117] Stipulation and Order to Continue Hearing on Motion for Summary Judgment Hearing*

07/22/2021 **Calendar Call** (10:30 AM) (Judicial Officer Thompson, Charles)  
[Parties Present](#)  
[Minutes](#)  
*07/29/2021 Reset by Court to 07/22/2021*

07/24/2021 **Opposition and Countermotion** **Doc ID# 118**  
*[118] Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions*

07/28/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

07/29/2021 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Plaintiff. Dominique Arnould's Motion for Summary Judgment*  
*07/15/2021 Reset by Court to 07/29/2021*

07/29/2021 **Motion to Compel** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Motion to Compel Discovery Responses*

	08/10/2021	Reset by Court to 07/29/2021
		Result: Denied
07/29/2021		<b>Opposition and Countermotion</b> (10:30 AM) (Judicial Officer Allf, Nancy) <i>Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions</i> <a href="#">Minutes</a>
		Result: No Ruling
07/29/2021		<b>Order</b> <b>Doc ID# 119</b> <i>[119] Order Re: Calendar Call on July 22, 2021</i>
07/29/2021		<b>All Pending Motions</b> (10:30 AM) (Judicial Officer Allf, Nancy) <a href="#">Parties Present</a>
		Result: Matter Heard
08/02/2021		<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer Allf, Nancy) <i>Vacated</i>
09/07/2021		<b>Objection</b> <b>Doc ID# 120</b> <i>[120] Defendants' Objections to Post Judgment Subpoena Duces Tecum</i>
09/07/2021		<b>Motion for Protective Order</b> <b>Doc ID# 121</b> <i>[121] Motion for Protective Order from Post Judgment Subpoena Duces Tecum</i>
09/08/2021		<b>Clerk's Notice of Hearing</b> <b>Doc ID# 122</b> <i>[122] Notice of Hearing</i>
09/10/2021		<b>Findings of Fact, Conclusions of Law and Order</b> <b>Doc ID# 123</b> <i>[123] Findings of Fact, Conclusions of Law, and Order</i>
09/13/2021		<b>Notice of Entry of Findings of Fact, Conclusions of Law</b> <b>Doc ID# 124</b> <i>[124] Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>
09/14/2021		<b>Judgment</b> <b>Doc ID# 125</b> <i>[125] \$6,303.93 Judgment in Favor of Dominique Arnould and Against Clement Mune</i>
09/30/2021		<b>Calendar Call</b> (10:30 AM) (Judicial Officer Allf, Nancy)
10/11/2021		<b>Jury Trial</b> (10:30 AM) (Judicial Officer Allf, Nancy)
10/12/2021		<b>Motion for Protective Order</b> (10:00 AM) (Judicial Officer Truman, Erin) <i>Defendants' Motion for Protective Order from Post Judgment Subpoena Duces Tecum</i>

---

**FINANCIAL INFORMATION**


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	<b>Counter Claimant</b> Mune, Clement		
	Total Financial Assessment		1,785.00
	Total Payments and Credits		1,785.00
	<b>Balance Due as of 09/16/2021</b>		<b>0.00</b>
11/07/2019	Transaction Assessment		1,513.00
11/07/2019	Efile Payment	Receipt # 2019-67803-CCCLK	(1,513.00)
12/09/2019	Transaction Assessment		200.00
12/09/2019	Efile Payment	Receipt # 2019-73449-CCCLK	(200.00)
06/15/2020	Transaction Assessment		24.00
06/15/2020	Efile Payment	Receipt # 2020-31763-CCCLK	(24.00)
06/15/2020	Transaction Assessment		24.00
06/15/2020	Efile Payment	Receipt # 2020-31768-CCCLK	(24.00)
06/17/2020	Transaction Assessment		24.00
	<b>Counter Defendant</b> Arnould, Dominique		
	Total Financial Assessment		2,052.50
	Total Payments and Credits		2,052.50
	<b>Balance Due as of 09/16/2021</b>		<b>0.00</b>
10/11/2019	Transaction Assessment		1,533.50
10/11/2019	Efile Payment	Receipt # 2019-62251-CCCLK	(1,533.50)
10/11/2019	Transaction Assessment		3.50
10/11/2019	Efile Payment	Receipt # 2019-62347-CCCLK	(3.50)
10/14/2019	Transaction Assessment		3.50
10/14/2019	Efile Payment	Receipt # 2019-62604-CCCLK	(3.50)
10/15/2019	Transaction Assessment		3.50
10/15/2019	Efile Payment	Receipt # 2019-62847-CCCLK	(3.50)
12/02/2019	Transaction Assessment		3.50
12/02/2019	Efile Payment	Receipt # 2019-72042-CCCLK	(3.50)
12/10/2019	Transaction Assessment		3.50
12/10/2019	Efile Payment	Receipt # 2019-73776-CCCLK	(3.50)
12/19/2019	Transaction Assessment		3.50
12/19/2019	Efile Payment	Receipt # 2019-75995-CCCLK	(3.50)
12/20/2019	Transaction Assessment		3.50
12/20/2019	Efile Payment	Receipt # 2019-76217-CCCLK	(3.50)
12/31/2019	Transaction Assessment		3.50
12/31/2019	Efile Payment	Receipt # 2019-77654-CCCLK	(3.50)
01/03/2020	Transaction Assessment		3.50
01/03/2020	Efile Payment	Receipt # 2020-00521-CCCLK	(3.50)
01/08/2020	Transaction Assessment		3.50
01/08/2020	Efile Payment	Receipt # 2020-01277-CCCLK	(3.50)
01/17/2020	Transaction Assessment		3.50
01/17/2020	Efile Payment	Receipt # 2020-03406-CCCLK	(3.50)
01/17/2020	Transaction Assessment		3.50
01/17/2020	Efile Payment	Receipt # 2020-03411-CCCLK	(3.50)

03/09/2020	Transaction Assessment			3.50
03/09/2020	Efile Payment	Receipt # 2020-14556-CCCLK	Arnould, Dominique	(3.50)
03/13/2020	Transaction Assessment			203.50
03/13/2020	Efile Payment	Receipt # 2020-15535-CCCLK	Arnould, Dominique	(203.50)
04/06/2020	Transaction Assessment			3.50
04/06/2020	Efile Payment	Receipt # 2020-19261-CCCLK	Arnould, Dominique	(3.50)
04/08/2020	Transaction Assessment			3.50
04/08/2020	Efile Payment	Receipt # 2020-19639-CCCLK	Arnould, Dominique	(3.50)
05/13/2020	Transaction Assessment			3.50
05/13/2020	Efile Payment	Receipt # 2020-26032-CCCLK	Arnould, Dominique	(3.50)
05/22/2020	Transaction Assessment			3.50
05/22/2020	Efile Payment	Receipt # 2020-27657-CCCLK	Arnould, Dominique	(3.50)
06/05/2020	Transaction Assessment			3.50
06/05/2020	Efile Payment	Receipt # 2020-30068-CCCLK	Arnould, Dominique	(3.50)
06/08/2020	Transaction Assessment			3.50
06/08/2020	Efile Payment	Receipt # 2020-30444-CCCLK	Arnould, Dominique	(3.50)
06/10/2020	Transaction Assessment			3.50
06/10/2020	Efile Payment	Receipt # 2020-30810-CCCLK	Arnould, Dominique	(3.50)
06/10/2020	Transaction Assessment			3.50
06/10/2020	Efile Payment	Receipt # 2020-30868-CCCLK	Arnould, Dominique	(3.50)
06/15/2020	Efile Payment	Receipt # 2020-31759-CCCLK	Arnould, Dominique	(24.00)
07/14/2020	Transaction Assessment			3.50
07/14/2020	Efile Payment	Receipt # 2020-37659-CCCLK	Arnould, Dominique	(3.50)
07/15/2020	Transaction Assessment			3.50
07/15/2020	Efile Payment	Receipt # 2020-38066-CCCLK	Arnould, Dominique	(3.50)
09/04/2020	Transaction Assessment			3.50
09/04/2020	Efile Payment	Receipt # 2020-49625-CCCLK	Arnould, Dominique	(3.50)
12/23/2020	Transaction Assessment			3.50
12/23/2020	Efile Payment	Receipt # 2020-72287-CCCLK	Arnould, Dominique	(3.50)
01/20/2021	Transaction Assessment			3.50
01/20/2021	Efile Payment	Receipt # 2021-03656-CCCLK	Arnould, Dominique	(3.50)
02/18/2021	Transaction Assessment			3.50
02/18/2021	Efile Payment	Receipt # 2021-09791-CCCLK	Arnould, Dominique	(3.50)
05/20/2021	Transaction Assessment			3.50
05/20/2021	Efile Payment	Receipt # 2021-31568-CCCLK	Arnould, Dominique	(3.50)
06/14/2021	Transaction Assessment			203.50
06/14/2021	Efile Payment	Receipt # 2021-36955-CCCLK	Arnould, Dominique	(203.50)
07/02/2021	Transaction Assessment			3.50
07/02/2021	Efile Payment	Receipt # 2021-41446-CCCLK	Arnould, Dominique	(3.50)
07/09/2021	Transaction Assessment			3.50
07/09/2021	Efile Payment	Receipt # 2021-42784-CCCLK	Arnould, Dominique	(3.50)
07/24/2021	Transaction Assessment			3.50
07/24/2021	Efile Payment	Receipt # 2021-46068-CCCLK	Arnould, Dominique	(3.50)
09/13/2021	Transaction Assessment			3.50
09/13/2021	Efile Payment	Receipt # 2021-56932-CCCLK	Arnould, Dominique	(3.50)

# Exhibit 2A

Check Number

1394

**Date Posted**

08/24/20

Check Amount

\$7,332.25

**DOMINIQUE & MICHELINE ARNOULD TRUST**  
**DOMINIQUE & MICHELINE ARNOULD TTE**  
P.O. BOX 1800  
STUDIO CITY, CA 91614

WELLS FARGO BANK, N.A.  
CALIFORNIA  
WELLSFARGO.COM  
16-24/1220

1394

8/21/2020

PAY TO THE ORDER OF Larry L. Bertsch, CPA, LLP \$7,332.25

Seven Thousand Three Hundred Thirty-Two and 25/100 DOLLARS

Larry L. Bertsch, CPA, LLP  
7582 Las Vegas Blvd. S. # 449  
Las Vegas, NV 89123-1080

MEMO Invoice #13638 1/2

AUTO VOID  
VOID VA  
VOID VA  
VOID VA

AUTHORIZED SIGNATURE

[illegible]

For your security, information like account numbers, signatures, and the ability to view the backs of checks have been removed from the images.

You can see full or partial fronts and backs of the images by using the link at the top of the window.

Equal Housing Lender



# Exhibit 2B



**WELLS FARGO**

## Check Details

Check Number	1414
Date Posted	03/02/21
Check Amount	\$22,712.56

<b>DOMINIQUE &amp; MICHELINE ARNOULD TRUST</b> <b>DOMINIQUE &amp; MICHELINE ARNOULD TTE</b> P.O. BOX 1800 STUDIO CITY, CA 91514		<b>WELLS FARGO BANK, N.A.</b> CALIFORNIA WELLSFARGO.COM 18-24/1220	1414 2/26/2021
PAY TO THE ORDER OF Larry L. Bertsch, CPA & Associates, LLP		\$22,712.56	
Twenty-Two Thousand Seven Hundred Twelve and 56/100*****			DOLLARS
Larry L. Bertsch CPA & Associates, LLP 265 E. Warm Springs Rd Ste 104 Las Vegas, NV 89119-4230			
MEMO Final Balance owed to receiver			

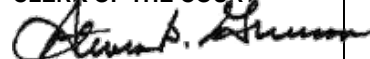
<b>PAY TO THE ORDER OF</b> <b>NEVADA STATE BANK</b> <b>1224999999-1111111111</b> <b>REMOTE DEPOSIT ONLY</b> <b>1-800-735-3249</b> <b>1-800-735-3249</b> <b>1-800-735-3249</b>	
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For your security, information like account numbers, signatures, and the ability to view the backs of checks have been removed from the images. You can see full or partial fronts and backs of the images by using the link at the top of the window.

 Equal Housing Lender

# Exhibit 2C





1 **NEO**  
2 CANDACE C. CARLYON, ESQ.  
3 Nevada Bar No. 2666  
4 TRACY M. O'STEEN, ESQ.  
5 Nevada Bar No. 10949  
6 CARLYON CICA CHTD.  
7 265 E. Warm Springs Road, Suite 107  
8 Las Vegas, NV 89119  
9 PHONE: (702) 685-4444  
10 FAX: (725) 220-4360  
11 Email: [CCarlyon@CarlyonCica.com](mailto:CCarlyon@CarlyonCica.com)  
12 [TOSTeen@CarlyonCica.com](mailto:TOSTeen@CarlyonCica.com)

13 *Counsel for the Receiver*

14 EIGHT JUDICIAL DISTRICT COURT  
15 CLARK COUNTY, NEVADA

16 DOMINIQUE ARNOULD,  
17 Plaintiff,

18 vs.

19 CLEMENT MUNNEY; CHEF EXEC  
20 SUPPLIERS, LLC; and DOES I through X,  
21 inclusive; and ROE CORPORATIONS I through  
22 X, inclusive,  
23 Defendants.

Case No.: A-19-803488-B  
Dept. No.: 27

**NOTICE OF ENTRY STIPULATION  
AND ORDER FOR PAYMENT OF  
PROFESSIONAL FEES OF RECEIVER  
AND FOR RELEASE OF FUNDS HELD  
IN TRUST**

24 PLEASE TAKE NOTICE that a *Stipulation and Order for Payment of Professional Fees*  
25 *of Receiver and for Release of Funds Held in Trust* was entered in the above-referenced matter on  
26 February 26, 2021, a true and correct copy of which is attached hereto as Exhibit 1.

27 DATED this 1<sup>st</sup> day of March 2021.

28 CARLYON CICA CHTD.

/s/ Tracy M. O'Steen, Esq.

\_\_\_\_\_  
TRACY M. O'STEEN, ESQ.  
Nevada Bar No. 10949  
265 E. Warm Springs Road, Suite 107  
Las Vegas, Nevada 89119  
*Counsel for the Receiver*

CARLYON CICA CHTD.  
265 E. Warm Springs Road, Suite 107  
Las Vegas, NV 89119

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Carlyon Cica Chtd., and  
3 that on this 1<sup>st</sup> day of March 2021, I served a true and correct copy of the foregoing **NOTICE OF**  
4 **ENTRY STIPULATION AND ORDER FOR PAYMENT OF PROFESSIONAL FEES OF**  
5 **RECEIVER AND FOR RELEASE OF FUNDS HELD IN TRUST** via electronic means by  
6 operation of the Court's electronic filing system, upon each party to this case who is registered as an  
7 electronic case filing user with the Clerk.

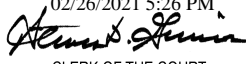
8  
9 /s/ Cristina Robertson  
10 An Employee for Carlyon Cica Chtd.  
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# EXHIBIT 1

# EXHIBIT 1

CARLYON CICA CHTD.  
265 E. Warm Springs Road, Suite 107  
Las Vegas, NV 89119

ELECTRONICALLY SERVED  
2/26/2021 5:27 PM

Electronically Filed  
02/26/2021 5:26 PM  
  
CLERK OF THE COURT

1 **SAO**  
2 CANDACE C. CARLYON, ESQ.  
3 Nevada Bar No. 2666  
4 TRACY M. O'STEEN, ESQ.  
5 Nevada Bar No. 10949  
6 CARLYON CICA CHTD.  
7 265 E. Warm Springs Road, Suite 107  
8 Las Vegas, NV 89119  
9 PHONE: (702) 685-4444  
10 FAX: (725) 220-4360  
11 *Counsel for the Receiver*

7 **EIGHT JUDICIAL DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 DOMINIQUE ARNOULD,  
10 Plaintiff,

11 vs.

12 CLEMENT MUNNEY; CHEF EXEC  
13 SUPPLIERS, LLC; and DOES I through X,  
14 inclusive; and ROE CORPORATIONS I through  
15 X, inclusive,  
16 Defendants.

Case No.: A-19-803488-B  
Dept. No.: 27

**STIPULATION AND ORDER FOR  
PAYMENT OF PROFESSIONAL FEES  
OF RECEIVER AND FOR RELEASE OF  
FUNDS HELD IN TRUST**

15 Larry L. Bertsch, duly appointed Receiver in the above caption case (the "Receiver"),  
16 Dominique Arnould ("Arnould"), and Clement Munney ("Munney" and together with Arnould, the  
17 "Partners" and together with the Receiver, the "Parties"), each by and through their respective  
18 undersigned counsel, hereby stipulate and agree as follows (the "Stipulation");

19 1. On June 15, 2020, the Court entered an order (the "Order") naming Larry L. Bertsch  
20 of Larry L. Bertsch CPA & Associates as the receiver over Chef Exec Suppliers, LLC, a Nevada  
21 limited liability company (the "Company") with limited powers.

22 2. On December 7, 2020, the Receiver filed his Final Report and Recommendations  
23 with the Court (the "Final Report"), which was approved by Order of the Court on February 17, 2021.

24 3. Pursuant to the Final Report, Munney is to pay the amount of \$22,712.56 to the  
25 Receiver within ten (10) days of entry of this Stipulation, which will be used to pay the professional  
26 fees of the Receiver and his counsel.  
27  
28

1           4.       Pursuant to the Final Report, Arnould is to pay the Receiver the amount of \$22,712.56  
2 within ten (10) days of entry of this Stipulation which will be used to pay professional fees of the  
3 Receiver and his counsel.

4           5.       The Receiver is currently holding the amount of \$37,923.10 in his Trust account. The  
5 Parties agree that this amount can be used by the Receiver to pay the professional fees incurred during  
6 this Receivership.

7           **IT IS SO STIPULATED.**

8           DATED this 26th day of February, 2020.

9           MARQUIS AURBACH COFFING

CARLYON CICA CHTD.

10           /s/ Alexander K. Calaway, Esq

/s/ Tracy M. O'Steen, Esq.

11           PHILLIP S. AURBACH, ESQ.

CANDACE C. CARLYON, ESQ.

12           Nevada Bar No. 1501

Nevada Bar No. 26666

13           ALEXANDER K. CALAWAY, ESQ.

TRACY M. O'STEEN, ESQ.

14           Nevada Bar No. 15188

Nevada Bar No. 10949

15           10001 Park Run Dr.

265 E. Warm Springs Road, Suite 107

16           Las Vegas, Nevada 89145

Las Vegas, Nevada 89119

17           Counsel for Dominique Arnould

*Counsel for the Receiver*

18           KERN LAW LTD.

19           /s/ Robert Kern, Esq.

20           ROBERT KERN, ESQ.

21           Nevada Bar No. 10104

22           601 S. 6<sup>th</sup> St.

23           Las Vegas, Nevada 89101

24           Counsel for Clement Muney

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**ORDER**

The Court having reviewed and considering the foregoing Stipulation, and for good cause appearing:

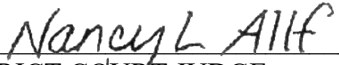
**IT IS HEREBY ORDERED** that the Stipulation is **APPROVED** in its entirety.

**IT IS HEREBY FURTHER ORDERED** that pursuant to the Stipulation of the Parties, Muney is to pay the amount of \$22,712.56 to the Receiver within ten (10) days of entry of this Order, which will be used to pay the professional fees of the Receiver and his counsel.

**IT IS HEREBY FURTHER ORDERED** that pursuant to the Stipulation of the Parties, Arnould is to pay the Receiver the amount of \$22,712.56 within ten (10) days of entry of this Order which will be used to pay professional fees of the Receiver and his counsel.

**IT IS HEREBY FURTHER ORDERED** that the \$37,923.10 the Receiver is holding in trust may be immediately applied to the payment of the professional fees incurred by the Receiver and his counsel.

February 26, 2021

Dated this 26th day of February, 2021  
  
DISTRICT COURT JUDGE  
NB  
009 C73 4FED 9766  
Nancy Alf  
District Court Judge

Respectfully submitted by:  
CARLYON CICA CHTD.  
  
/s/ Tracy M. O'Steen, Esq.  
TRACY M. O'STEEN, ESQ.  
Nevada Bar No. 10949  
265 E. Warm Springs Road, Suite 107  
Las Vegas, Nevada 89119  
*Counsel for the Receiver*

## Cristina Robertson

---

**From:** Tracy O'Steen  
**Sent:** Friday, February 26, 2021 12:53 PM  
**To:** Cristina Robertson  
**Subject:** FW: [External] Chef Exec Stipulation [IWOV-iManage.FID1085969]  
**Attachments:** SAO for Payment of Fees and Release of Funds.docx

Can you add e-signature, for me, Kern and Callaway and submit to chambers? Thanks!

Tracy M. O'Steen, Esq.

**CARLYON CICA CHTD.**

265 E. Warm Springs Rd. Ste. 107

Las Vegas, Nevada 89119

T 702.685.4444 | D 702.936.3647

[TOSTeen@CarlyonCica.com](mailto:TOSTeen@CarlyonCica.com) | [www.ccclaw.vegas](http://www.ccclaw.vegas)

*Licensed in Nevada, Arizona and Mississippi*

---

**From:** Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>  
**Sent:** Friday, February 26, 2021 12:36 PM  
**To:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>; Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>  
**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@llbcpa.com](mailto:larry@llbcpa.com)>  
**Subject:** RE: [External] Chef Exec Stipulation [IWOV-iManage.FID1085969]

Ok, then you may proceed with my e-signature.



**Alexander K. Calaway, Esq.**

10001 Park Run Drive

Las Vegas, NV 89145

t | 702.207.6069

f | 702.382.5816

[acalaway@maclaw.com](mailto:acalaway@maclaw.com)

[maclaw.com](http://maclaw.com)



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---

**From:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>  
**Sent:** Friday, February 26, 2021 11:59 AM  
**To:** Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>; Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>  
**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@llbcpa.com](mailto:larry@llbcpa.com)>  
**Subject:** RE: [External] Chef Exec Stipulation [IWOV-iManage.FID1085969]

To be clear, I took the language out of the Stipulation because it is not necessary for Larry to file the tax return. He will file the Final Return in March consistent with his Final Report and Accounting, which includes the equalization payment required by Mr. Muney. If that issue is resolved in favor of Mr. Muney following trial, an amended return can be filed by Mr. Bertch.

For now, the Receiver would like to move forward with the stipulation to obtain payment of fees and release of funds held in Trust .

Tracy M. O'Steen, Esq.

**CARLYON CICA CHTD.**

265 E. Warm Springs Rd. Ste. 107

Las Vegas, Nevada 89119

T 702.685.4444 | D 702.936.3647

[TOSteen@CarlyonCica.com](mailto:TOSteen@CarlyonCica.com) | [www.ccclaw.vegas](http://www.ccclaw.vegas)

Licensed in Nevada, Arizona and Mississippi

---

**From:** Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>

**Sent:** Friday, February 26, 2021 11:49 AM

**To:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>; Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>

**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@lbcpa.com](mailto:larry@lbcpa.com)>

**Subject:** RE: Chef Exec Stipulation [IWOV-iManage.FID1085969]

All:

1. I agree that the tax issues are addressed in the accepted Final Report.
2. I disagree with Mr. Kern's suggestion that the his client's "objection" limits application of Receiver's Final Report in the liquidation. The attached order discharging the receiver was pretty clear: "That Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver is GRANTED in all respects ...[and] **That the Receiver's Final Report and findings are accepted pursuant to NRS 32.350...**" (p. 2:18-20).
3. In light of #2, there was nothing ordered by the Court that would even suggest a limited acceptance of the Receiver's Final Report. The merits of Muney's objection are reserved for trial. And as for the present liquidation under the Receiver's Final Report, the liquidation should occur just as the accepted Final Report prescribes. So I believe the following language (you included in your first SAO) will be necessary to stay consistent with Larry's report:
  - Pursuant to the Final Report, Muney is to pay the amount of \$22,712.56 to the Receiver within ten (10) days of entry of this Stipulation, which will be used to pay the professional fees of the Receiver and his counsel.
  - Pursuant to the Final Report, Arnould is to pay the Receiver the amount of \$22,712.56 within ten (10) days of entry of this Stipulation which will be used to pay professional fees of the Receiver and his counsel.
  - Pursuant to the Final Report, Muney is to the pay the Receiver the amount of \$5,541.43 to equalize distributions made to the Partners, with Muney reserving his objections to this payment for trial on the merits.

Thanks,

Alex





**Alexander K. Calaway, Esq.**

10001 Park Run Drive

Las Vegas, NV 89145

t | 702.207.6069

f | 702.382.5816

[acalaway@maclaw.com](mailto:acalaway@maclaw.com)

[maclaw.com](http://maclaw.com)



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---

**From:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>

**Sent:** Friday, February 26, 2021 11:22 AM

**To:** Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>; Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>

**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@lbcpa.com](mailto:larry@lbcpa.com)>

**Subject:** [External] RE: Chef Exec Stipulation

I removed the language regarding the tax return completely and a revised stipulation is attached. Initially, I included that language to tie up what I saw as an open issue, but the after taking a closer look, the Report and the Order are clear on the Receiver's obligation with regard to filing the tax return. The stipulation now addresses only payment of fees and release of the funds in trust. Please let me know if have approval to submit the revised stipulation on your e-signature.

Thank you,

Tracy M. O'Steen, Esq.

**CARLYON CICA CHTD.**

265 E. Warm Springs Rd. Ste. 107

Las Vegas, Nevada 89119

T 702.685.4444 | D 702.936.3647

[TOSTeen@CarlyonCica.com](mailto:TOSTeen@CarlyonCica.com) | [www.ccclaw.vegas](http://www.ccclaw.vegas)

*Licensed in Nevada, Arizona and Mississippi*

---

**From:** Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>

**Sent:** Friday, February 26, 2021 10:36 AM

**To:** Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>; Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>

**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@lbcpa.com](mailto:larry@lbcpa.com)>

**Subject:** Re: Chef Exec Stipulation

I appreciate the change, but I don't think we can stipulate to the tax return accepting the report's accounting without essentially stipulating to the report's accounting. We would like the tax return done without any of the disputed accounting; as far as getting this stipulation in place, we could still do this stipulation if you remove the language "consistent with the accounting set forth in the Final Report. "

Robert Kern, Esq.

Attorney

Kern Law, Ltd.

601 S. 6th Street

Las Vegas, NV 89101

(702) 518-4529 - phone

(702) 825-5872 - fax

[www.Kernlawoffices.com](http://www.Kernlawoffices.com)

[OBJ]

Robert Kern, Esq.  
Attorney  
Kern Law, Ltd.

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Las Vegas, NV 89101  
(702) 518-4529 - phone

(702) 825-5872 - fax  
[www.Kernlawoffices.com](http://www.Kernlawoffices.com)

[OBJ]

---

**From:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>  
**Sent:** Friday, February 26, 2021 10:09:33 AM  
**To:** Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>; Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>  
**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@lbcpa.com](mailto:larry@lbcpa.com)>  
**Subject:** RE: Chef Exec Stipulation

Robert,

I addressed the issue with Mr. Bertsch and he is fine with that change. He will still be filing the Final Tax Return consistent with his Report in March to avoid penalties for late filing.

Counsel, please let me know if I have approval to submit on your e-signature.

Thank you,

Tracy M. O'Steen, Esq.  
**CARLYON CICA CHTD.**  
265 E. Warm Springs Rd. Ste. 107  
Las Vegas, Nevada 89119  
T 702.685.4444 | D 702.936.3647  
[TOSteen@CarlyonCica.com](mailto:TOSteen@CarlyonCica.com) | [www.ccclaw.vegas](http://www.ccclaw.vegas)  
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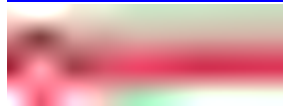
**From:** Robert Kern <[robert@kernlawoffices.com](mailto:robert@kernlawoffices.com)>  
**Sent:** Friday, February 26, 2021 9:45 AM  
**To:** Tracy O'Steen <[tosteen@carlyoncica.com](mailto:tosteen@carlyoncica.com)>; Alexander K. Calaway <[acalaway@maclaw.com](mailto:acalaway@maclaw.com)>  
**Cc:** Candace Carlyon <[ccarlyon@carlyoncica.com](mailto:ccarlyon@carlyoncica.com)>; Larry Bertsch <[larry@lbcpa.com](mailto:larry@lbcpa.com)>  
**Subject:** RE: Chef Exec Stipulation

Hi Tracy,

No – the court has not ruled on the conclusions of the Receiver's Report – it was accepted as a report, as was Muneys' objection; the conclusions of the breakdown of what is owed between the parties is still subject to adjudication. If paragraph 5 is deleted then we will agree to the stipulation.

Robert Kern, Esq.  
Attorney  
Kern Law, Ltd.

601 S. 6<sup>th</sup> Street  
Las Vegas, NV 89101  
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(702) 825-5872 - fax  
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---

**From:** [Tracy O'Steen](#)  
**Sent:** Wednesday, February 24, 2021 2:07 PM  
**To:** [Robert Kern](#); [Alexander K. Calaway](#)  
**Cc:** [Candace Carlyon](#); [Larry Bertsch](#)  
**Subject:** Chef Exec Stipulation

Counsel,

Attached is a stipulation for your review and comment that provides for payment of the professional fees, filing of the final tax return (Federal & California), and for the release of the funds held in trust by the Receiver. I note that although Mr. Muney disputes the equalization payment of \$5,541.43, Mr. Bertsch needs that payment made so that the Final Tax Return can be filed consistent with his accounting. I have included language that Muney still disputes this payment and that his objections are reserved for trial on the merits. If the trial necessitates changes in the accounting, then that is an issue for a later date. We need to wrap up the Receiver's role now.

Alex, could you please add the amount that was sent to Larry by check from the CitiBank Account? I have a blank for that to be added. I have not been able to confirm the exact amount with Larry, and did not want to hold this stipulation up.

Please let me know if you have changes or comments. I am trying to avoid more motion practice and hope we can reach an agreement as to the attached.

Best,

Tracy M. O'Steen, Esq.  
**CARLYON CICA CHTD.**  
265 E. Warm Springs Rd. Ste. 107  
Las Vegas, Nevada 89119  
T 702.685.4444 | D 702.936.3647  
[TOSteen@CarlyonCica.com](mailto:TOSteen@CarlyonCica.com) | [www.ccclaw.vegas](http://www.ccclaw.vegas)  
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1 **CSERV**

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5		
6	Dominique Arnould, Plaintiff(s)	CASE NO: A-19-803488-B
7	vs.	DEPT. NO. Department 27
8	Clement Muney, 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 Stipulation and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/26/2021

15	Jennifer Case	jcase@maclaw.com
16	Robert Kern	Robert@Kernlawoffices.com
17	Melissa Milroy	Admin@KernLawOffices.com
18	Candace Carlyon	ccarlyon@carlyoncica.com
19	Tracy O'Steen	tosteen@carlyoncica.com
20	Nancy Rodriguez	nrodriguez@carlyoncica.com
21	Phillip Aurbach	PSA@maclaw.com
22	Javie-Anne Bauer	jbauer@maclaw.com
23	Cristina Robertson	crobertson@carlyoncica.com
24	Alexander Calaway	acalaway@maclaw.com
25		
26		
27		
28		

# Exhibit 2D

**From:** Larry Bertsch <larry@llbcpa.com>  
**Sent:** Friday, September 17, 2021 12:24 PM  
**To:** Alexander K. Calaway  
**Subject:** [External] Chef Exec

Alex,

Going through my records, I find that Dominique paid us from the Dominique Arnold Trust the amount of \$30,044.81, The amount paid to us from CMJJ Gourmet Inc., was \$32,216.81. The Company Chef Exec did Pay us \$37,923.10 which would be interpreted to be that each would have paid 50%.

If you have any additional questions, please call.

**Larry L Bertsch, CPA, CFF**

Larry L. Bertsch, CPA and Associates  
265 E. Warm Springs #104  
Las Vegas, NV 89119  
702-471-7223 (Work)  
702-471-7225 (Fax)  
[www.llbcpa.com](http://www.llbcpa.com)

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Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Larry L. Bertsch, CPA & Associates, LLP would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

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# Exhibit 3

	<b>INVOICE</b>
<b>Report to Court</b>	INVOICE # 2660 DATE: NOVEMBER 16, 2020
5940 S. Rainbow, Las Vegas, Nevada 89118 Phone: 702-278-8187 Fax: 702-405-0091 <a href="mailto:reporttocourt@gmail.com">reporttocourt@gmail.com</a> License No. 1506. Federal Tax ID No. 26-3837744	<b>RECEIVED</b> NOV 19 2020

**BILL** Marquis, Aurbach & Coffing  
**TO** 10001 Park Run Dr.  
Las Vegas, Nevada 89145  
702-382-0711  
Attn: Jennifer

**MAC LAW**

FILE #: 15755.1		CASE NO:				
DATE & TIME: .		NOVEMBER 12, 2020			ENTITY	CMJJ GOURMET
SERVED AT:		151 AUGUSTA HENDERSON NV				
DATE		DESCRIPTION			BALANCE	AMOUNT
11/16/20		Subpoena				\$35.00
11/16/20		Jeremy Muney at 3104 Maple Ridge Ct Henderson NV				\$35.00
11/16/20		Subpoena Michelle Giffon 1403 9 <sup>th</sup> St. Las Vegas NV				\$35.00
CURRENT		1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
\$105.00						\$105.00

Make all checks payable to Report to Court  
**THANK YOU FOR YOUR BUSINESS**

15755-1



# Exhibit 4

Accounting Date	Cost Code	Units	Amount
10/4/2019	Copies	1	\$ 0.25
10/4/2019	Copies	1	\$ 0.25
10/4/2019	Copies	5	\$ 1.25
10/4/2019	Copies	1	\$ 0.25
11/8/2019	Copies	12	\$ 3.00
11/8/2019	Copies	2	\$ 0.50
12/2/2019	Copies	1	\$ 0.25
12/6/2019	Copies	5	\$ 1.25
12/10/2019	Copies	39	\$ 9.75
12/10/2019	Copies	3	\$ 0.75
12/10/2019	Copies	2	\$ 0.50
12/11/2019	Copies	2	\$ 0.50
12/16/2019	Copies	84	\$ 21.00
12/17/2019	Copies	3	\$ 0.75
12/17/2019	Copies	17	\$ 4.25
12/17/2019	Copies	6	\$ 1.50
12/17/2019	Copies	13	\$ 3.25
12/17/2019	Copies	14	\$ 3.50
12/17/2019	Copies	11	\$ 2.75
12/18/2019	Copies	4	\$ 1.00
12/18/2019	Copies	4	\$ 1.00
12/18/2019	Copies	4	\$ 1.00
12/18/2019	Copies	12	\$ 3.00
12/18/2019	Copies	4	\$ 1.00
12/18/2019	Copies	2	\$ 0.50
12/18/2019	Copies	10	\$ 2.50
12/19/2019	Copies	13	\$ 3.25
12/19/2019	Copies	3	\$ 0.75
12/19/2019	Copies	3	\$ 0.75
12/19/2019	Copies	1	\$ 0.25
12/19/2019	Copies	32	\$ 8.00
12/20/2019	Copies	1	\$ 0.25
12/20/2019	Copies	3	\$ 0.75
12/20/2019	Copies	6	\$ 1.50
12/20/2019	Copies	1	\$ 0.25
12/24/2019	Copies	120	\$ 30.00
12/30/2019	Copies	25	\$ 6.25
12/30/2019	Copies	25	\$ 6.25
12/31/2019	Copies	5	\$ 1.25
1/2/2020	Copies	10	\$ 2.50
1/3/2020	Copies	1	\$ 0.25
1/3/2020	Copies	39	\$ 9.75
1/3/2020	Copies	3	\$ 0.75
1/3/2020	Copies	32	\$ 8.00
1/3/2020	Copies	3	\$ 0.75
1/3/2020	Copies	5	\$ 1.25
1/3/2020	Copies	25	\$ 6.25
1/3/2020	Copies	1	\$ 0.25
1/6/2020	Copies	10	\$ 2.50
1/6/2020	Copies	2	\$ 0.50
1/6/2020	Copies	9	\$ 2.25
1/7/2020	Copies	1	\$ 0.25
1/7/2020	Copies	1	\$ 0.25
1/7/2020	Copies	60	\$ 15.00

Accounting Date	Cost Code	Units	Amount
1/7/2020	Copies	14	\$ 3.50
1/7/2020	Copies	28	\$ 7.00
1/7/2020	Copies	28	\$ 7.00
1/7/2020	Copies	2	\$ 0.50
1/8/2020	Copies	1	\$ 0.25
1/8/2020	Copies	16	\$ 4.00
1/8/2020	Copies	32	\$ 8.00
1/8/2020	Copies	10	\$ 2.50
1/8/2020	Copies	1	\$ 0.25
1/8/2020	Copies	1	\$ 0.25
1/8/2020	Copies	1	\$ 0.25
1/8/2020	Copies	1	\$ 0.25
1/8/2020	Copies	29	\$ 7.25
1/8/2020	Copies	1	\$ 0.25
1/10/2020	Copies	2	\$ 0.50
1/10/2020	Copies	1	\$ 0.25
1/10/2020	Copies	29	\$ 7.25
1/10/2020	Copies	1	\$ 0.25
1/14/2020	Copies	2	\$ 0.50
2/5/2020	Copies	2	\$ 0.50
2/6/2020	Copies	24	\$ 6.00
2/6/2020	Copies	8	\$ 2.00
2/6/2020	Copies	3	\$ 0.75
3/3/2020	Copies	2	\$ 0.50
3/3/2020	Copies	1	\$ 0.25
3/12/2020	Copies	3	\$ 0.75
3/12/2020	Copies	2	\$ 0.50
3/12/2020	Copies	3	\$ 0.75
3/12/2020	Copies	1	\$ 0.25
3/12/2020	Copies	1	\$ 0.25
3/13/2020	Copies	14	\$ 3.50
3/13/2020	Copies	1	\$ 0.25
3/13/2020	Copies	48	\$ 12.00
3/13/2020	Copies	1	\$ 0.25
3/13/2020	Copies	1	\$ 0.25
3/23/2020	Copies	47	\$ 11.75
3/23/2020	Copies	2	\$ 0.50
3/24/2020	Copies	47	\$ 11.75
4/3/2020	Copies	47	\$ 11.75
4/6/2020	Copies	1	\$ 0.25
4/6/2020	Copies	14	\$ 3.50
4/6/2020	Copies	3	\$ 0.75
4/6/2020	Copies	2	\$ 0.50
4/6/2020	Copies	1	\$ 0.25
4/6/2020	Copies	1	\$ 0.25
4/6/2020	Copies	1	\$ 0.25
4/6/2020	Copies	3	\$ 0.75
4/6/2020	Copies	3	\$ 0.75
4/6/2020	Copies	1	\$ 0.25
4/8/2020	Copies	18	\$ 4.50
4/8/2020	Copies	5	\$ 1.25
4/8/2020	Copies	2	\$ 0.50
4/8/2020	Copies	18	\$ 4.50
4/8/2020	Copies	1	\$ 0.25

Accounting Date	Cost Code	Units	Amount
4/10/2020	Copies	1	\$ 0.25
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4/14/2020	Copies	2	\$ 0.50
4/22/2020	Copies	2	\$ 0.50
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5/21/2020	Copies	78	\$ 19.50
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5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	2	\$ 0.50
5/22/2020	Copies	1	\$ 0.25
5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	1	\$ 0.25
5/22/2020	Copies	2	\$ 0.50
5/22/2020	Copies	1	\$ 0.25
5/22/2020	Copies	2	\$ 0.50
5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	12	\$ 3.00
5/22/2020	Copies	2	\$ 0.50
5/22/2020	Copies	1	\$ 0.25
5/22/2020	Copies	1	\$ 0.25
5/22/2020	Copies	5	\$ 1.25
5/22/2020	Copies	3	\$ 0.75
5/22/2020	Copies	5	\$ 1.25
5/22/2020	Copies	14	\$ 3.50
5/22/2020	Copies	1	\$ 0.25
5/26/2020	Copies	3	\$ 0.75
5/27/2020	Copies	1	\$ 0.25
5/28/2020	Copies	2	\$ 0.50
5/28/2020	Copies	4	\$ 1.00
5/28/2020	Copies	5	\$ 1.25
6/2/2020	Copies	6	\$ 1.50
6/5/2020	Copies	5	\$ 1.25
6/5/2020	Copies	26	\$ 6.50
6/8/2020	Copies	2	\$ 0.50
6/8/2020	Copies	7	\$ 1.75
6/9/2020	Copies	9	\$ 2.25
6/10/2020	Copies	4	\$ 1.00
6/10/2020	Copies	3	\$ 0.75
6/10/2020	Copies	4	\$ 1.00
6/11/2020	Copies	4	\$ 1.00
6/12/2020	Copies	1	\$ 0.25
6/12/2020	Copies	4	\$ 1.00
6/12/2020	Copies	3	\$ 0.75
6/12/2020	Copies	4	\$ 1.00
6/12/2020	Copies	1	\$ 0.25
6/12/2020	Copies	26	\$ 6.50
6/15/2020	Copies	1	\$ 0.25
6/15/2020	Copies	1	\$ 0.25

Accounting Date	Cost Code	Units	Amount
6/24/2020	Copies	26	\$ 6.50
6/24/2020	Copies	24	\$ 6.00
6/24/2020	Copies	47	\$ 11.75
6/24/2020	Copies	2	\$ 0.50
7/2/2020	Copies	1	\$ 0.25
7/2/2020	Copies	1	\$ 0.25
7/2/2020	Copies	1	\$ 0.25
7/9/2020	Copies	12	\$ 3.00
7/9/2020	Copies	42	\$ 10.50
7/9/2020	Copies	78	\$ 19.50
7/14/2020	Copies	18	\$ 4.50
7/15/2020	Copies	18	\$ 4.50
7/22/2020	Copies	15	\$ 3.75
7/24/2020	Copies	7	\$ 1.75
7/28/2020	Copies	1	\$ 0.25
7/31/2020	Copies	13	\$ 3.25
7/31/2020	Copies	1	\$ 0.25
7/31/2020	Copies	2	\$ 0.50
7/31/2020	Copies	1	\$ 0.25
7/31/2020	Copies	1	\$ 0.25
7/31/2020	Copies	1	\$ 0.25
7/31/2020	Copies	10	\$ 2.50
7/31/2020	Copies	1	\$ 0.25
7/31/2020	Copies	10	\$ 2.50
7/31/2020	Copies	8	\$ 2.00
7/31/2020	Copies	39	\$ 9.75
8/5/2020	Copies	10	\$ 2.50
8/6/2020	Copies	18	\$ 4.50
8/6/2020	Copies	6	\$ 1.50
8/6/2020	Copies	6	\$ 1.50
8/7/2020	Copies	2	\$ 0.50
8/7/2020	Copies	2	\$ 0.50
8/21/2020	Copies	5	\$ 1.25
9/4/2020	Copies	28	\$ 7.00
9/4/2020	Copies	4	\$ 1.00
9/4/2020	Copies	6	\$ 1.50
9/9/2020	Copies	18	\$ 4.50
9/9/2020	Copies	18	\$ 4.50
9/10/2020	Copies	3	\$ 0.75
9/17/2020	Copies	10	\$ 2.50
9/17/2020	Copies	10	\$ 2.50
9/17/2020	Copies	18	\$ 4.50
9/17/2020	Copies	1	\$ 0.25
9/17/2020	Copies	2	\$ 0.50
9/17/2020	Copies	1	\$ 0.25
9/17/2020	Copies	3	\$ 0.75
9/17/2020	Copies	39	\$ 9.75
9/17/2020	Copies	6	\$ 1.50
9/17/2020	Copies	7	\$ 1.75
9/17/2020	Copies	6	\$ 1.50
9/17/2020	Copies	2	\$ 0.50
9/17/2020	Copies	10	\$ 2.50
9/18/2020	Copies	2	\$ 0.50
9/23/2020	Copies	2	\$ 0.50

Accounting Date	Cost Code	Units	Amount
9/23/2020	Copies	6	\$ 1.50
9/23/2020	Copies	1	\$ 0.25
9/23/2020	Copies	1	\$ 0.25
9/29/2020	Copies	2	\$ 0.50
9/29/2020	Copies	12	\$ 3.00
9/29/2020	Copies	6	\$ 1.50
9/29/2020	Copies	2	\$ 0.50
9/30/2020	Copies	6	\$ 1.50
9/30/2020	Copies	6	\$ 1.50
9/30/2020	Copies	4	\$ 1.00
10/13/2020	Copies	1	\$ 0.25
10/13/2020	Copies	1	\$ 0.25
10/13/2020	Copies	1	\$ 0.25
10/13/2020	Copies	2	\$ 0.50
10/16/2020	Copies	2	\$ 0.50
10/19/2020	Copies	2	\$ 0.50
10/19/2020	Copies	3	\$ 0.75
10/28/2020	Copies	9	\$ 2.25
10/28/2020	Copies	6	\$ 1.50
10/28/2020	Copies	7	\$ 1.75
10/28/2020	Copies	7	\$ 1.75
10/28/2020	Copies	8	\$ 2.00
10/29/2020	Copies	14	\$ 3.50
10/29/2020	Copies	12	\$ 3.00
10/29/2020	Copies	12	\$ 3.00
11/6/2020	Copies	9	\$ 2.25
11/6/2020	Copies	11	\$ 2.75
11/6/2020	Copies	9	\$ 2.25
11/6/2020	Copies	1	\$ 0.25
11/6/2020	Copies	1	\$ 0.25
11/6/2020	Copies	1	\$ 0.25
11/17/2020	Copies	40	\$ 10.00
11/20/2020	Copies	3	\$ 0.75
11/20/2020	Copies	1	\$ 0.25
11/24/2020	Copies	22	\$ 5.50
12/1/2020	Copies	3	\$ 0.75
12/2/2020	Copies	3	\$ 0.75
12/2/2020	Copies	38	\$ 9.50
12/6/2020	Copies	8	\$ 2.00
12/6/2020	Copies	7	\$ 1.75
12/8/2020	Copies	201	\$ 50.25
12/8/2020	Copies	9	\$ 2.25
12/8/2020	Copies	15	\$ 3.75
12/23/2020	Copies	6	\$ 1.50
12/28/2020	Copies	2	\$ 0.50
1/5/2021	Copies	2	\$ 0.50
1/7/2021	Copies	4	\$ 1.00
1/8/2021	Copies	5	\$ 1.25
1/8/2021	Copies	6	\$ 1.50
1/8/2021	Copies	1	\$ 0.25
1/20/2021	Copies	3	\$ 0.75
2/1/2021	Copies	44	\$ 11.00
2/8/2021	Copies	25	\$ 6.25
2/9/2021	Copies	6	\$ 1.50

Accounting Date	Cost Code	Units	Amount
2/9/2021	Copies	3	\$ 0.75
2/9/2021	Copies	3	\$ 0.75
2/9/2021	Copies	44	\$ 11.00
2/9/2021	Copies	25	\$ 6.25
2/9/2021	Copies	2	\$ 0.50
2/9/2021	Copies	2	\$ 0.50
2/18/2021	Copies	7	\$ 1.75
2/23/2021	Copies	1	\$ 0.25
2/24/2021	Copies	5	\$ 1.25
2/24/2021	Copies	2	\$ 0.50
2/24/2021	Copies	5	\$ 1.25
2/24/2021	Copies	1	\$ 0.25
2/24/2021	Copies	24	\$ 6.00
3/15/2021	Copies	13	\$ 3.25
4/1/2021	Copies	46	\$ 11.50
4/1/2021	Copies	2	\$ 0.50
5/25/2021	Copies	46	\$ 11.50
5/25/2021	Copies	46	\$ 11.50
5/31/2021	Copies	8	\$ 2.00
5/31/2021	Copies	233	\$ 58.25
5/31/2021	Copies	184	\$ 46.00
6/1/2021	Copies	172	\$ 43.00
6/1/2021	Copies	138	\$ 34.50
6/2/2021	Copies	242	\$ 60.50
6/2/2021	Copies	40	\$ 10.00
6/3/2021	Copies	120	\$ 30.00
6/7/2021	Copies	1	\$ 0.25
6/8/2021	Copies	6	\$ 1.50
6/8/2021	Copies	4	\$ 1.00
6/8/2021	Copies	2	\$ 0.50
6/9/2021	Copies	4	\$ 1.00
6/10/2021	Copies	5	\$ 1.25
6/10/2021	Copies	12	\$ 3.00
6/14/2021	Copies	6	\$ 1.50
6/14/2021	Copies	42	\$ 10.50
6/14/2021	Copies	43	\$ 10.75
6/15/2021	Copies	1	\$ 0.25
6/18/2021	Copies	3	\$ 0.75
6/18/2021	Copies	2	\$ 0.50
6/21/2021	Copies	2	\$ 0.50
6/23/2021	Copies	5	\$ 1.25
6/24/2021	Copies	12	\$ 3.00
6/24/2021	Copies	5	\$ 1.25
6/25/2021	Copies	1	\$ 0.25
7/1/2021	Copies	2	\$ 0.50
7/2/2021	Copies	29	\$ 7.25
7/7/2021	Copies	12	\$ 3.00
7/7/2021	Copies	12	\$ 3.00
7/7/2021	Copies	43	\$ 10.75
7/9/2021	Copies	32	\$ 8.00
7/9/2021	Copies	32	\$ 8.00
7/12/2021	Copies	11	\$ 2.75
7/12/2021	Copies	12	\$ 3.00
7/12/2021	Copies	1	\$ 0.25

Accounting Date	Cost Code	Units	Amount
7/13/2021	Copies	5	\$ 1.25
7/13/2021	Copies	1	\$ 0.25
7/13/2021	Copies	5	\$ 1.25
7/22/2021	Copies	5	\$ 1.25
7/26/2021	Copies	49	\$ 12.25
7/26/2021	Copies	49	\$ 12.25
7/26/2021	Copies	32	\$ 8.00
7/26/2021	Copies	1	\$ 0.25
7/26/2021	Copies	2	\$ 0.50
7/29/2021	Copies	3	\$ 0.75
9/1/2021	Copies	8	\$ 2.00
9/7/2021	Copies	19	\$ 4.75
9/7/2021	Copies	23	\$ 5.75
9/10/2021	Copies	25	\$ 6.25
9/13/2021	Copies	26	\$ 6.50
	<b>Copies Total</b>	<b>5019</b>	<b>\$ 1,254.75</b>



# Exhibit 5

Accounting Date	Cost Code	Units	Amount
10/4/2019	Postage	0	\$ 0.65
7/31/2020	Postage	0	\$ 4.60
2/24/2021	Postage	0	\$ 4.80
	<b>Postage Total</b>	<b>0</b>	<b>\$ 10.05</b>

# Exhibit 6

Accounting Date	Cost Code	Units	Amount
10/4/2019	Scanning	1	\$ 0.25
12/2/2019	Scanning	1	\$ 0.25
12/19/2019	Scanning	32	\$ 8.00
1/8/2020	Scanning	29	\$ 7.25
2/7/2020	Scanning	3	\$ 0.75
3/9/2020	Scanning	2	\$ 0.50
3/13/2020	Scanning	24	\$ 6.00
4/6/2020	Scanning	29	\$ 7.25
4/8/2020	Scanning	26	\$ 6.50
4/22/2020	Scanning	2	\$ 0.50
4/23/2020	Scanning	2	\$ 0.50
5/22/2020	Scanning	74	\$ 18.50
9/25/2020	Scanning	2	\$ 0.50
11/20/2020	Scanning	3	\$ 0.75
11/20/2020	Scanning	3	\$ 0.75
11/30/2020	Scanning	136	\$ 34.00
6/2/2021	Scanning	242	\$ 60.50
	<b>Scanning Total</b>	<b>611</b>	<b>\$ 152.75</b>

# Exhibit 7

Accounting Date	Cost Code	Units	Amount
12/31/2019	Westlaw Research	0	\$ 103.37
1/31/2020	Westlaw Research	0	\$ 43.69
3/31/2020	Westlaw Research	0	\$ 216.08
4/30/2020	Westlaw Research	0	\$ 97.41
5/31/2020	Westlaw Research	0	\$ 201.78
7/31/2020	Westlaw Research	0	\$ 325.36
8/31/2020	Westlaw Research	0	\$ 160.89
9/30/2020	Westlaw Research	0	\$ 33.78
10/31/2020	Westlaw Research	0	\$ 141.38
2/28/2021	Westlaw Research	0	\$ 32.16
4/30/2021	Westlaw Research	0	\$ 50.80
5/31/2021	Westlaw Research	0	\$ 106.14
6/30/2021	Westlaw Research	0	\$ 621.93
7/31/2021	Westlaw Research	0	\$ 110.31
8/31/2021	Westlaw Research	0	\$ 9.41
	<b>Westlaw Research Total</b>	<b>0</b>	<b>\$ 2,254.49</b>

# Exhibit 8

**COURT INSTRUCTIONS**

PHONE (702) 385-5444

FAX (702) 385-1444

**NV224030****002 - SAME DAY COURT RUN****FIRM NAME: & ADDRESS:**

MARQUIS AURBACH COFFING

10001 Park Run Drive

Las Vegas NV, 89145

PHONE #:(702) 382-0711

FAX #:

CONTACT: Jennifer Case EMAIL: jcase@maclaw.com

BILLING / FILE #: 15755-1

DATE GENERATED #: 3/13/2020

**CUST #: 210094****DUE DATE #: 3/13/2020****COURT :**

DISTRICT COURT CLARK COUNTY

200 Lewis Ave, Las Vegas, NV 89101

CASE# A-19-803488-B

CASE TITLE: Dominique Arnould VS. Clement Mune

DOCUMENTS:

**STATUTE DATE: 3/13/2020****HEARING DATE: 1/9/2020****DEPT. 27****NLS DATE REC'D: 3/13/2020**

- ☐ FILE / CONFORM
- ☐ FILE AND SERVE
- ☐ COURTESY COPY DELIVERY
- ☐ RECORD
- ☐ COURT RESEARCH
- ☐ CERTIFIED

- ☐ Advanced Fees \$ .00
- ☐ Adv Fees approved by

**SPECIAL INSTRUCTIONS****Please deliver courtesy copy of the attached Motion for Partial Summary Judgment to Dept 27. Thank you.****REPORTS / COMMENTS:**

- ☐ FILING SUBMITTED TO COURT ON \_\_\_\_\_
- ☐ REJECTED \_\_\_\_\_
- ☐ FILING CONFIRMED/REJECTED - SPOKE TO: \_\_\_\_\_ DATE: \_\_\_\_\_



# Exhibit 9

! DELAY !

--- Ready At 12:00 PM ---

\*\*\*\*\*

\*\* WEB DELIVERY \*\*

\*\*\*\*\*

--- ONLINE ORDER ---

Jimmy Johns #2524  
10870 West Charleston Sui  
702-240-1698

09-17-2020 Chk# 33 Open 11:24 AM  
Online Order # 829793015

! DELAY !

--- Ready At 12:00 PM ---

Regular Chips 1.49  
SPLIT #1 -> 2.09 <-

-----  
#8 Billy Club 7.49  
French Bread  
TAKE napkins  
ALEX -> 8.59 <-

-----  
#1 Pepe 6.49  
..UNWICH  
NO tomatoes  
TAKE napkins  
CLEMENT -> 7.51 <-

-----  
#9 Italian Club 7.49  
French Bread  
TAKE napkins  
DOM -> 8.59 <-

-----  
#5 Vito 6.49  
French Bread  
TAKE napkins  
JEREMY -> 7.51 <-

-----  
#9 Italian Club 7.49  
..WHEAT SUB ROLL  
ADD cucumbers  
PERSI -> 8.59 <-

-----  
#15 Club Tuna 7.49  
..WHEAT  
ADD dijon  
TAKE napkins  
PHIL 8.59 <-

-----  
#8 Billy Club 7.49  
..WHEAT  
Add Bacon 2.00

PHIL 6:59 <-

#8 Billy Club 7.49  
..WHEAT  
Add Bacon 2.00  
NO tomatoes  
TAKE napkins

ROBERT -> 10.76 <-

J.J.B.L.T. 6.49  
French Bread  
TAKE napkins

VICTOR -> 7.55 <-

Subtotal 60.41  
Del Fee 4.00  
Sales Tax (8.375%) 5.97  
Total \$ 69.78

\*\*\* PAID \*\*\*

Credit Tendered 69

Phil Aurbach  
10001 W Park Run Dr  
Las Vegas 702-382-0711

Marquis Aurbach Coffing

\*\*\*\*\*  
\*\* DELIVERY \*\*  
\*\*\*\*\*

! DELAY !

-- Ready At 12:00 PM --

CHK# 33

Delivery charges are not distributed to  
employees as tips.

Look up your Freaky Fast Rewards at  
[jimmyjohns.com](http://jimmyjohns.com).

Not a member? Sign up on the app

Check No: 33 Reg# 33 Web Delivery  
Trans Time: 9/17/2020 11:24 AM  
Trans Type: Sale  
Acct No: Amex XX.2026  
Auth Code: Online Order # 829793015

Pre Auth: \$ 69.78

Gratuity:

Total Charge:

RA 125

## Javie-Anne Bauer

---

**From:** Gabrielle M. Wilczynski  
**Sent:** Thursday, September 17, 2020 11:26 AM  
**To:** Javie-Anne Bauer  
**Subject:** FW: [External] Your Jimmy John's Online Order is confirmed!



### Gabby Wilczynski | Receptionist

10001 Park Run Drive  
Las Vegas, NV 89145  
t | 702.942.2138  
f | 702.856.8938  
[gwilczynski@maclaw.com](mailto:gwilczynski@maclaw.com)  
[maclaw.com](http://maclaw.com)



Please consider the environment before printing this e-mail!

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach Coffing - Attorneys at Law

---

**From:** Jimmy John's <orders@jimmyjohns.com>  
**Sent:** Thursday, September 17, 2020 11:24 AM  
**To:** Gabrielle M. Wilczynski <gwilczynski@maclaw.com>  
**Subject:** [External] Your Jimmy John's Online Order is confirmed!



## THANK YOU FOR YOUR ONLINE ORDER

---

If you have any questions regarding your order, please do not hesitate to contact us at 702-240-1698, and reference your order confirmation number 829793015.

**Order Number:** 829793015

**Store Information:** JJ2524  
10870 West Charleston Boulevard  
Las Vegas , 89135  
702-240-1698

**Scheduled:** 2020-09-17 at 12:00 PM

**For:** Delivery

**Address:** 10001 W Park Run Dr  
Las Vegas  
89145

**Delivery Instructions:** Marquis Aurbach Coffing

**Contact:** Phil Aurbach  
17023820711  
gwilczynski@maclaw.com

ITEM	EACH	PRICE
1 <b>Regular Jimmy Chips®</b>	1.49	<b>\$1.49</b>
1 <b>#8 BILLY CLUB® (8" (Original))</b>	7.49	<b>\$7.49</b>
FOR: Alex		
SELECTIONS: French Bread, Include Napkins		
1 <b>#1 THE PEPE®</b>	6.49	<b>\$6.49</b>
FOR: Clement		
SELECTIONS: Unwich®No Tomato, Include Napkins		
1 <b>#9 ITALIAN NIGHT CLUB® (8" (Original))</b>	7.49	<b>\$7.49</b>
FOR: Dom		
SELECTIONS: French Bread, Include Napkins		
1 <b>#5 VITO® (8" (Original))</b>	6.49	<b>\$6.49</b>
FOR: Jeremy		
SELECTIONS: French Bread, Include Napkins		
1 <b>#9 ITALIAN NIGHT CLUB® (8" (Original))</b>	7.49	<b>\$7.49</b>
FOR: Persi		
SELECTIONS:		

9-GrainReg Cucumber

1	<b>#15 CLUB TUNA®</b>	7.49	<b>\$7.49</b>
---	-----------------------	------	---------------

FOR:  
Phil

SELECTIONS:  
Sliced WheatReg Grey Poupon® Dijon  
Mustard, Include Napkins

1	<b>#8 BILLY CLUB®</b>	9.49	<b>\$9.49</b>
---	-----------------------	------	---------------

FOR:  
Robert

SELECTIONS:  
Sliced WheatNo Tomato, Reg Bacon, Include Napkins

1	<b>J.J.B.L.T.® (8" (Original))</b>	6.49	<b>\$6.49</b>
---	------------------------------------	------	---------------

FOR:  
Victor

SELECTIONS:  
French Bread, Include Napkins

---

Subtotal:	<b>\$60.41</b>
-----------	----------------

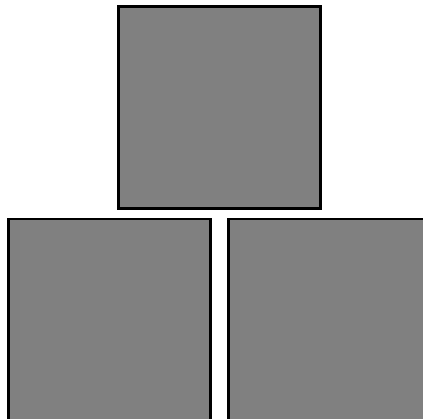
Delivery:	<b>\$4.00</b>
-----------	---------------

TAX	<b>\$5.37</b>
-----	---------------

Total:	<b>\$69.78</b>
--------	----------------

Credit Card Amex x-2026:	<b>(\$69.78)</b>
--------------------------	------------------

**TRACK ORDER**



Please do not reply to this email. It is not a monitored email address

■

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

! DELAY !

--- Ready At 12:00 PM ---

\*\*\*\*\*

\*\* WEB DELIVERY \*\*

\*\*\*\*\*

--- ONLINE ORDER ---

Jimmy Johns #2524  
10870 West Charleston Sui  
702-240-1698

09-17-2020 Chk# 33 Open 11:24 AM  
Online Order # 829793015

! DELAY !

--- Ready At 12:00 PM ---

Regular Chips 1.49  
SPLIT #1 -> 2.09 <-

#8 Billy Club 7.49  
French Bread  
TAKE napkins  
ALEX -> 8.59 <-

#1 Pepe 6.49  
..UNWICH  
NO tomatoes  
TAKE napkins  
CLEMENT -> 7.51 <-

#9 Italian Club 7.49  
French Bread  
TAKE napkins  
DOM -> 8.59 <-

#5 Vito 6.49  
French Bread  
TAKE napkins  
JEREMY -> 7.51 <-

#9 Italian Club 7.49  
..WHEAT SUB ROLL  
ADD cucumbers  
PERSI -> 8.59 <-

#15 Club Tuna 7.49  
..WHEAT  
ADD dijon  
TAKE napkins  
PHIL -> 8.59 <-

#8 Billy Club 7.49  
..WHEAT  
Add Bacon 2.00



PHIL 8:59 <-

#8 Billy Club 7.49  
..WHEAT  
Add Bacon 2.00  
NO tomatoes  
TAKE napkins

ROBERT -> 10.76 <-

J.J.B.L.T. 6.49  
French Bread  
TAKE napkins

VICTOR -> 7.55 <-

Subtotal 60.41  
Del Fee 4.00  
Sales Tax (8.37%) 5.37

Total \$ 69.78

\*\*\* PAID \*\*\*

Credit Tendered 69.78

Phil Aurbach

10001 W Park Run Dr  
Las Vegas 702-382-0711

Marquis Aurbach Coffing

\*\*\*\*\*  
\*\* DELIVERY \*\*  
\*\*\*\*\*

! DELAY !

-- Ready At 12:00 PM --

CHK# 33

Delivery charges are not distributed to  
employees as tips.

Look up your Freaky Fast Rewards at  
[jimmyjohns.com](http://jimmyjohns.com).

Not a member? Sign up on the app

Check No: 33 Reg# 33 Web Delivery

Trans Time: 9/17/2020 11:24 AM

Trans Type: Sale

Acct No: Amex XX.2026

Auth Code: Online Order # 829793015

Pre Auth: \$ 69.78

Gratuity:

Total Charge:

RA 131

# Exhibit 10

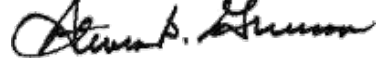
Accounting Date	Cost Code	Units	Amount
2/7/2020	Parking Fee	0	\$ 24.00
	<b>Parking Fee Total</b>	<b>0</b>	<b>\$ 24.00</b>

# Exhibit 11

Accounting Date	Cost Code	Units	Amount	Payee	Description
8/31/2019	Check Issued	0	\$ 9.48	Premiere Global Services	Conference call 07/23/19
4/8/2020	Check Issued	0	\$ 17.02	Premiere Global Services	Conference call 03/24/2020
6/5/2020	Check Issued	0	\$ 15.20	Premiere Global Services	Conference call 05/21/2020
7/7/2020	Check Issued	0	\$ 2.20	Premiere Global Services	Conference call 06/05/2020
9/5/2020	Check Issued	0	\$ 9.52	Premiere Global Services	Conference call 08/12/2020

# Exhibit 12

11/6/2020	Check Issued	0	\$ 50.00	CMJJ Gourtmnet, Inc.	Witness fee
11/6/2020	Check Issued	0	\$ 50.00	Jeremy Muney	Witness fee
11/6/2020	Check Issued	0	\$ 50.00	Michelle Giffen	Witness fee
2/26/2021	Check Issued	0	\$ (50.00)	Michelle Giffen	Witness fee



Robert Kern, Esq.  
Nevada Bar Number 10104  
**KERN LAW, Ltd.**  
601 S. 6<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 518-4529 phone  
(702) 825-5872 fax  
Admin@KernLawOffices.com  
Attorney for Defendants

**IN THE EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

DOMINIQUE ARNOULD,

Plaintiff/Counter-Defendant,

vs.

CLEMENT MUNY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive, and ROE CORPORATIONS I  
through X, inclusive,

Defendants/Counter-Claimants.)

) Case Number: A-19-803488-B

) Dept. Number: 27

**DEFENDANTS' MOTION TO RETAX  
AND SETTLE COSTS CLAIMED IN  
DEFENDANTS' MEMORANDUM OF  
COSTS**

**NO HEARING REQUESTED**

Defendants Clement Muney ("Muney") and Chef Exec Suppliers, LLC ("Chef  
Exec") (collectively "Defendants"), by an through their counsel of record, Kern Law, Ltd,  
hereby files its Motion to Retax and Settle Costs Claimed by Plaintiff Dominique Arnould  
("Arnould"), in his Memorandum of Costs.

DATED this 24<sup>th</sup> day of September, 2021.

**KERN LAW**

By: /s/ Robert Kern /s/

Robert Kern, Esq.  
601 S. 6<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 518-4529  
Attorney for Clement Muney and  
Chef Exec Suppliers.



1  
2  
3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 Defendants submit this Motion to Retax and Settle Costs in response to Defendants'  
6 verified memorandum of costs ("Memorandum"). Defendants' Memorandum seeks to  
7 recover \$55,084.60 in costs that Defendants allegedly incurred in this matter. However,  
8 before Defendants can recover any sum, Nevada law requires that they demonstrate their  
9 costs are actual, documented, and reasonable. Here, Defendants' requested costs are not  
10 permissible under Section 18.005 of the Nevada Revised Statutes ("NRS"), not properly  
11 documented, and are otherwise unreasonable. Therefore, Defendants request the Court to  
12 retax Defendants' Memorandum to deny all such non-recoverable costs. If the Court permits  
13 any costs to be awarded in this matter, it should reduce the prayed-for sum as described  
14 below, to permit only those costs that are specifically permissible under law<sup>1</sup>.

15 **II. LEGAL ARGUMENT**

16 In order for a cost to be recoverable under Nevada law, it must satisfy three  
17 requirements. First, it must be expressly authorized by NRS 18.005, which the Nevada  
18 Supreme Court has stated must be strictly construed. *Bobby Berosini, Ltd. v. People for  
19 the Ethical Treatment of Animals*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998).  
20 Second, it must be substantiated by "sufficient documentation and itemization." *Id.* Third,  
21 the costs "must be actual and reasonable." *Id.* A failure to satisfy even one of these  
22 requirements renders a cost unrecoverable. *Id.* As described herein, many of the categories  
23 of costs Defs seek to recover are not permitted because Defs have failed to satisfy one or  
24 more of the requirements under NRS 18.005.

25 **A. Plaintiff Improperly Seeks to Recover Categories of Costs Not**  
26 **Expressly Authorized Under NRS 18.005.**

27  
28 <sup>1</sup> There are other improperly charged costs not challenged here, solely because the amount involved would cost more in attorneys fees to challenge than to pay. This should not be interpreted as a waiver of the types of charges, only as to the specific charges here not disputed.

1 Plaintiff's Memorandum includes several categories of costs that are not expressly  
2 authorized under NRS 18.005, which explicitly identifies the only costs recoverable  
3 under Nevada law:  
4

5 -Clerks' fees.

6 -Reporters' fees for depositions, including a reporter's fee for one copy of each  
7 deposition.

8 -Jurors' fees and expenses, together with reasonable compensation of an officer  
9 appointed to act in accordance with NRS 16.120.

10 -Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the  
11 court finds that the witness was called at the instance of the prevailing party  
without reason or necessity.

12 -Reasonable fees of not more than five expert witnesses in an amount of not more  
13 than \$1,500 for each witness, unless the court allows a larger fee after determining  
14 that the circumstances surrounding the expert's testimony were of such necessity as  
to require the larger fee.

15 -Reasonable fees of necessary interpreters.

16 -The fee of any sheriff or licensed process server for the delivery or service  
17 of any summons or subpoena used in the action, unless the court  
determines that the service was not necessary.

18 -Compensation for the official reporter or reporter pro tempore.

19 -Reasonable costs for any bond or undertaking required as part of the action.

20 -Fees of a court bailiff or deputy marshal who was required to work  
21 overtime.

22 -Reasonable costs for telecopies.

23 -Reasonable costs for photocopies.

24 -Reasonable costs for long distance telephone calls.

25 -Reasonable costs for postage.

26 -Reasonable costs for travel and lodging incurred taking depositions and conducting  
27 discovery.  
28

1 -Fees charged pursuant to NRS 19.0335.

2 -Any other reasonable and necessary expense incurred in connection with the  
3 action, including reasonable and necessary expenses for computerized services for  
4 legal research.

5 The Nevada Supreme Court has ruled that “statutes permitting the recovery of costs  
6 are to be **strictly construed** because they are in derogation of the common law.” Bobby  
7 Berosini, 114 Nev. at 1352, 971 P.2d at 385 (emphasis added). Here, even in the event of an  
8 award of costs, certain charges should not be taxed to Defendants, including but not limited  
9 to (1) Costs of the Receiver, who was appointed by the Court, and whose costs were evenly  
10 split by stipulation and Court order; (2) copying fees well above the standard, and not  
11 limited to copies made for the derivative claim; (3) Westlaw research; and (4) meal costs for  
12 the settlement conference. As demonstrated, Plaintiff seeks to recover various categories of  
13 costs that are not recoverable under the express language of NRS 18.005. The total of such  
14 impermissible costs requested by Plaintiff is \$52,302.58, itemized as follows:

15		
16	Receiver Costs	\$49,006.36
17	Photocopies	\$971.95
18	Westlaw Research	\$2,254.49
19	Miscellaneous:	\$69.78
20	(Settlement Conference Hosting)	

Each improper charge is discussed below.

21 1. Receiver Costs

22 Plaintiff improperly claims the Receiver's compensation as an allowable cost by  
23 claiming it is a cost for an expert witness. However the Receiver was appointed by the  
24 Court, as a Receiver, not as a witness. None of the expenses of the Receiver were incurred  
25 specifically on Plaintiff's behalf for the purpose of acting as his witness. Plaintiff did not  
26 name the Receiver as witness until May, 2021, well after the last charge of compensation  
27 for the Receiver, thus none of the Receiver's expenses were incurred as a witness for  
28 Plaintiff.

1 Second, Courts have long held that the costs of a court-appointed receiver can not be  
2 attributed as taxable costs:

3 They [the Receiver and his employees] are the employees and servants of the  
4 court, and not of the parties. Their wages are in no sense costs of the  
5 litigation; and, although incurred during the progress of the suit, they are  
6 not incurred in the suit. They are neither expenses of the plaintiff, nor of the  
7 defendant, and are not fees or costs which can be charged against the  
8 successful party to the litigation...

9 *Atlantic Trust Co. v. Chapman*, 208 US 360 - Supreme Court 1908; *See also Federal Trade*  
10 *Commission v. AMERICAN FINANCIAL BENEFITS CENTER*, Dist. Court, ND California  
11 18-cv-00806-SBA (JSC), June 15, 2021; *Prairie States Petroleum v. Universal Oil Sales*,  
12 410 NE 2d 1008 - Ill: Appellate Court, 1st Dist. Illinois Appellate Court — First District  
(1st Division) September 15, 1980. As the fees of the Receiver are neither witness fees, nor  
13 attributable costs, they can not be claimed here by Plaintiff.

14 Finally the costs of the Receiver were already split evenly between the parties by  
15 order of this Court, and by stipulation of the parties; they may not be re-assigned after they  
16 have been assigned.

## 17 2. Photocopies

18 It is a fairly standard practice to charge \$.010 per copy, as that is an amount close to  
19 the cost of paper, ink, wear on the printer, etc. The fact that Plaintiff's counsel charges more  
20 than double that is a matter between Plaintiff and his counsel, but it does not have any  
21 bearing on the cost being reasonable. Courts have been clear that a reasonable cost is one  
22 that indicates the actual cost to the attorney, not the amount the attorney chooses to charge.  
23 *Gibellini v. Klindt*, 885 P. 2d 540 - Nev: Supreme Court 1994; ("A strict construction of the  
24 statute, however, requires that the phrase "reasonable costs" be interpreted to mean actual  
25 costs that are also reasonable, rather than a reasonable estimate or calculation of such costs  
26 based upon administrative convenience.").

27 Further, the information provided gives no indication as to what copies were for  
28 which claims; costs have only been granted on the derivative claim, and can not here be  
claimed for work on other portions of the case. Arguably, the entirety of photocopy costs  
should be disallowed for being unsupported. However if the Court wishes to be lenient, at

1 the very least, only the charges occurring prior to dissolution can be allowed, as the rest can  
2 not have any possibility of being for the purpose of a claim already decided. Reducing the  
3 charge to a reasonable \$0.10 per copy, and removing all copies shown after the dissolution  
4 date of August 21, 2020, the cost drops by \$971.95, to \$282.80.

### 5 3. Westlaw Research

6 The Nevada Supreme Court has specifically held that Computerized legal research  
7 costs are not allowed as costs, unless they are specifically itemized to show what issue was  
8 researched. *MATTER OF DISH NETWORK*, 401 P. 3d 1081 - Nev: Supreme Court 2017;  
9 (Electronic research is a fee, not a cost.); *Bergmann v. Boyce*, 856 P. 2d 560 - Nev: Supreme  
10 Court 1993; (“The Boyces contend that a law firm's charges for computer research are better  
11 considered part of the attorney's fee or non-recoverable overhead rather than an allowable  
12 cost. We agree.”); *Waddell v. LvRv Inc.*, 125 P. 3d 1160 - Nev: Supreme Court 2006.

13 In this case, there is no information presented as to what claims were being  
14 researched, and thus no means to tell whether they were for the derivative claim, or other  
15 elements of the case. Further, if Plaintiff's firm has a subscription to the service, then the  
16 costs cited were not actual costs related to undertaking the litigation, rather it is an attempt  
17 to charge for the portion of legal overhead paid for their continuing electronic research  
18 subscription, and thus not an attributable cost. *See Bergmann v. Boyce*, Id.

### 19 4. Miscellaneous

20 Plaintiff's attempt to claim that its purchase of lunch during the settlement  
21 conference was a “necessary” expense is unsupported by law. Plaintiff was not required to  
22 host the conference, nor was he required to purchase lunch. The charge does not fall under  
23 NRS 18.005.

## 24 CONCLUSION

25 For the foregoing reasons, Defendants respectfully request this Court to deny the  
26 non-recoverable costs discussed above and identified in Plaintiff Memorandum.

27  
28 DATED this 7<sup>th</sup> day of September, 2021.

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**KERN LAW**

By: /s/ Robert Kern /s/  
Robert Kern, Esq.  
601 S. 6<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 518-4529  
Attorney for Clement Munev and  
Chef Exec Suppliers.

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**CERTIFICATE OF SERVICE**

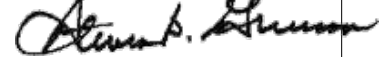
I hereby certify that on the 24<sup>th</sup> day of September, 2021, I served a true and correct copy of the foregoing **DEFENDANTS' MOTION TO RETAX AND SETTLE COSTS CLAIMED IN DEFENDANTS' MEMORANDUM OF COSTS**, by electronic service, addressed to the following:

Phillip S. Aurbach, Esq.  
Marquis Aurbach Coffing  
Paurbach@Maclaw.com  
*Counsel for Dominique Arnould*

Alexander Callaway  
Marquis Aurbach Coffing  
acalaway@maclaw.com  
*Counsel for Dominique Arnould*

\_\_\_\_\_  
/s/ Robert Kern

Employee of Kern Law



1 **Marquis Aurbach Coffing**  
 2 Phillip S. Aurbach, Esq.  
 3 Nevada Bar No. 1501  
 4 Alexander K. Calaway, Esq.  
 5 Nevada Bar No. 15188  
 6 10001 Park Run Dr.  
 7 Las Vegas, NV 89145  
 8 Telephone: (702) 382-0711  
 9 Facsimile: (702) 382-5816  
 10 paurbach@maclaw.com  
 11 acalaway@maclaw.com  
 12 *Attorneys for Plaintiff*

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

DOMINIQUE ARNOULD,

Plaintiff,

vs.

12 CLEMENT MUNEY; CHEF EXEC  
 13 SUPPLIERS, LLC; and DOES I through X,  
 14 inclusive; and ROE CORPORATIONS I through  
 15 X, inclusive,

Defendants,

And related counterclaims.

Case No.: A-19-803488-B

Dept. No.: 27

**OPPOSITION TO DEFENDANTS'**  
**MOTION TO RETAX AND SETTLE**  
**COSTS CLAIMED IN DEFENDANTS'**  
**MEMORANDUM OF COSTS**

Hearing Date: November 4, 2021

Hearing Time: 10:00 a.m.

17 Plaintiff DOMINIQUE ARNOULD (hereinafter "Arnould"), by and through his attorneys,  
 18 Marquis Aurbach Coffing, hereby files his Opposition to Defendants' Motion to Retax and Settle  
 19 Costs Claimed in Defendants' Memorandum of Costs. ("Opposition"). This Opposition is made  
 20 and based upon the pleadings and papers on file herein, the following points and authorities, and  
 21 any argument allowed by the Court at the time of hearing.

Dated this 8th day of October, 2021.

MARQUIS AURBACH COFFING

By /s/ Phillip S. Aurbach

Phillip S. Aurbach, Esq.  
 Nevada Bar No. 1501  
 Alexander K. Calaway, Esq.  
 Nevada Bar No. 15188  
*Attorneys for Plaintiff*



**MEMORANDUM OF POINTS AND AUTHORITIES**

<b><u>Clement Muney Motion to Retax</u></b>	<b><u>Dominique Arnould Opposition</u></b>
<p><b><u>I. Introduction</u></b></p> <p>→ Arnould's costs are not properly documented and are unreasonable.</p> <p><b><u>II. Legal Argument</u></b></p> <p>A. Arnould's costs are not Authorized under NRS 18.005.</p> <p>1. <u>Receiver Costs</u>. The cost of the Court-appointed Receiver should be evenly split. There is no authority for one side to pay all of the Receiver's fees.</p>	<p><b><u>I. Introduction</u></b></p> <p>→ <b>False.</b> Arnould's costs are properly documented and are reasonable as show by Plaintiff's Verified Memorandum of Costs, on file herein.</p> <p><b><u>II. Legal Argument</u></b></p> <p>A. Arnould's costs are Authorized under NRS 18.005.</p> <p>1. <u>Receiver Costs</u>. There is authority to make one side pay all of the Receiver's costs.</p> <p><b>a) NRS 32.340(2)</b> states that a court may order "[a] person whose conduct justified or would have justified the appointment of the receiver" to pay the "reasonable and necessary fees and expenses of the receivership, including reasonable attorney's fees and costs.."</p> <p>i) Here, the catalyst that required appointment of a receiver was Muney's decision to lock out Arnould from the Chef Exec warehouse in Las Vegas. <i>See</i> Orders Appointing Receiver, on file herein.</p>

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ii) Muney also opposed dissolution even though he knew it was not reasonably practicable for the members to continue business together which is a basis for dissolution under Chapter 86.

iii) Accordingly, the receiver was needed (a) to prepare a report about the viability of Chef Exec, (b) to account for its assets, and (c) take control of the Chef Exec warehouse in Las Vegas.

iv) After the receiver accounted for the company and dissolved Chef Exec, Mr. Muney lodged an objection to the Final Report which incurred additional and unnecessary Receiver's receivership fees and expenses. *See Defendants' Objection to Receiver's Final Report and Recommendation*, on file herein.

v) But for Muney's lock-out, refusal to dissolve, and unnecessary prolonging the receivership, the Receiver would not have been needed.

**b) NRS 86.489** provides that "If a derivative action is successful, in whole or in part, or if

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2. Photocopies.

a) Standard practice is \$.10 per copy.

anything is received by the plaintiff as a result of a judgment, compromise or settlement of an action or claim, the court may award the plaintiff reasonable expenses...”

i) The court in its findings of fact and conclusions of law that Arnould prevailed on his derivative action against Muney.

ii) The receiver and his accounting were integral to that success. *See* Final Report, on file herein; *see also* Findings of Fact and Conclusions of Law, on file herein.

iii) The Court has already found that the receiver’s fees and expenses were reasonable. *See* Order Discharging Receiver, on file herein.

iv) Thus, Arnould is entitled to recover his expenses related to the receiver.

2. Photocopies are allowed under NRS 18.005(12)

a) Mr. Muney offers no support for his claim of “Standard practice.” One measure of the standard cost is the cost of one copy from the

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b) There is no indication as to what the  
copies were for.

c) Westlaw research should be  
disallowed.

d) Miscellaneous-buying lunch during  
a settlement conference should be  
disallowed.

County Clerk's office which is \$1.00 per  
page per NRS 246.180(b) and is the same for  
the County Recorder's office NRS  
247.305(b).

b) Arnould has categorized the copies in the  
declaration in support of the Memorandum  
of Costs. It is impossible to keep track of  
"copy of a letter" "copy of Motion to..." etc.,  
which are all needed for the hard copy of  
each client's case. Binders of the pleadings  
are needed for hearings, copies of documents  
that need "wet" signatures have been  
categorized. Thus, copy charges were  
reasonable and necessary.

c) Westlaw research should be allowed. The  
sum of \$2,234 for these charges is small  
compared to the convoluted theories that Mr.  
Muney propounded.

d) Miscellaneous-buying lunch allowed the  
parties to work through lunch and should be  
allowed.

1 **III. CONCLUSION**

2 Therefore, Mr. Muney's Motion to Retax and Settle Costs Claimed in Defendants'  
3 Memorandum of Costs should be denied.

4 Dated this 8th day of October, 2021.

5  
6 MARQUIS AURBACH COFFING

7  
8 By /s/ Phillip S. Aurbach  
9 Phillip S. Aurbach, Esq.  
10 Nevada Bar No. 1501  
11 Alexander K. Calaway, Esq.  
12 Nevada Bar No. 15188  
13 *Attorneys for Plaintiff*  
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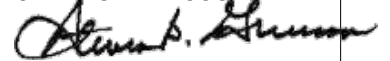
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **OPPOSITION TO DEFENDANTS' MOTION TO RETAX AND SETTLE COSTS CLAIMED IN DEFENDANTS' MEMORANDUM OF COSTS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 8<sup>th</sup> day of October, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

KERN LAW, LTD  
Robert Kern, Esq.  
Robert@Kernlawoffices.com  
Admin@KernLawOffices.com  
601 S. 6<sup>th</sup> Street  
Las Vegas, NV 89101  
*Attorneys for Defendants*

/s/ Cally Hatfield  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



**Marquis Aurbach Coffing**  
Phillip S. Aurbach, Esq.  
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Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
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Facsimile: (702) 382-5816  
paurbach@maclaw.com  
acalaway@maclaw.com  
Attorneys for Plaintiff

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

DOMINIQUE ARNOULD, individually,

Plaintiff,

vs.

CLEMENT MUNEY; CHEF EXEC  
SUPPLIERS, LLC; and DOES I through X,  
inclusive; and ROE CORPORATIONS I  
through X, inclusive

Defendants.

And related Counterclaims.

Case No.: A-19-803488-B  
Dept. No.: 27

**NOTICE OF ENTRY OF FINDINGS OF**  
**FACT AND CONCLUSIONS OF LAW AND**  
**ORDER GRANTING IN PART AND**  
**DENYING IN PART DEFENDANTS'**  
**MOTION TO RETAX COSTS**

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**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND  
ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION  
TO RETAX COSTS**

Please take notice that a Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants' Motion to Retax Costs was entered in the above-captioned matter on the 24th day of November, 2021, a copy of which is attached hereto.

Dated this 9th day of December, 2021.

MARQUIS AURBACH COFFING

By /s/ Alexander K. Calaway

Phillip S. Aurbach, Esq.  
Nevada Bar No. 1501  
Alexander K. Calaway, Esq.  
Nevada Bar No. 15188  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorney(s) for Plaintiff



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO RETAX COSTS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 9th day of December, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

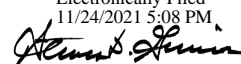
Robert Kern  
Melissa Milroy

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/s/ Cally Hatfield  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCp 5(b)(2)(D).

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CLERK OF THE COURT

1  
2 Robert Kern, Esq.  
3 Nevada Bar Number 10104  
4 **KERN LAW, Ltd.**  
5 601 S. 6<sup>th</sup> Street  
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7 (702) 518-4529 phone  
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9 Admin@KernLawOffices.com  
10 Attorney for Defendants

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

15 DOMINIQUE ARNOULD,

16 Plaintiff/Counter-Defendant,

17 vs.

18 CLEMENT MUNY; CHEF EXEC  
19 SUPPLIERS, LLC; and DOES I through X,  
20 inclusive, and ROE CORPORATIONS I  
21 through X, inclusive,

22 Defendants/Counter-Claimants.)

) Case Number: A-19-803488-B

) Dept. Number: 27

23 **FINDINGS OF FACT AND**  
24 **CONCLUSIONS OF LAW AND ORDER**  
25 **GRANTING IN PART AND DENYING**  
26 **IN PART DEFENDANTS' MOTION TO**  
27 **RETAX COSTS**

28 Defendant Clement Muney ("Muney") and Chef Exec Suppliers, LLC's (the  
"Company") Motion to Retax Costs ("Motion") came before this Court for hearing via  
BlueJeans video on November 4, 2021 at 11:00 a.m. with Robert Kern, Esq. appearing for  
defendant/counter-claimant Clement Muney ("Muney"), and Alexander K. Calaway, Esq. of  
Marquis Aurbach Coffing appearing on behalf of the plaintiff Dominique Arnould  
("Arnould").

NOW, THEREFORE, having reviewed the Motions, all briefing related thereto,  
pleadings on file herein, and arguments of counsel at the time of the above identified  
hearing, being fully advised on the matter, and good cause appearing therefore, the Court  
hereby finds and decides the Motion as follows.

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**FINDINGS OF FACT**

1. The present litigation arose in fall 2019 upon the filing of a complaint for judicial dissolution and an accounting of a business owned equally by Plaintiff Arnould and Defendant Muney, as well as for a claim of breach of fiduciary duty.

2. Under the authority of an order of this Court, dated June 8, 2020, a receiver with limited powers (the "Receiver") was appointed to "supervise the operations of the Company in consultation with Arnould and Muney, to allow them to continue operations of the Company, and prepare a report about the viability of the Company."

3. On August 21, 2020, this Court issued an order judicially dissolving the Company, as sought by Arnould's complaint.

4. On February 18, 2021 this Court entered an order approving the final report of the Receiver, discharging the Receiver, and acknowledging Defendants' objection to the final report.

5. On May 14, 2021, Arnould designated Receiver Larry Bartsch as an expert witness.

6. In a hearing held on July 29, 2021, this Court granted Arnould's motion for summary judgment in full and in final resolution of all claims, and entered findings of fact and conclusions of law for the same on September 10, 2021. In that determination, this Court held that Arnould's claim for appointment of a receiver was a derivative claim, and that Arnould had prevailed on that claim derivatively upon the appointment of the Receiver in this matter. For that reason, this Court held that Arnould was entitled to costs pursuant to NRS 86.489.

7. On September 21, 2021, Arnould filed a verified memorandum of costs, seeking total costs in the amount of \$55,084.60, for costs including filing fees, receiver costs, process server costs, photocopies, postage, scanning, Westlaw research, messenger service, lunch costs at a settlement conference, parking fees, a conference call, and witness fees.

8. On September 24, 2021, Muney filed his instant Motion to retax costs after which Arnould filed his opposition to the Motion and Muney filed his reply in support of the Motion.

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**CONCLUSIONS OF LAW**

9. Nevada law requires that a recoverable cost must be expressly authorized by statute, must be substantiated by sufficient documentation and itemization, and must be actual and reasonable.

10. NRS 86.489 provides that "If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgment, compromise or settlement of an action or claim, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees, and shall direct the plaintiff to remit to the limited-liability company the remainder of those proceeds received by the plaintiff."

11. NRS 18.005 does not include receiver fees as a taxable cost; however it does include reasonable expert witness fees. Arnould claimed receiver fees as a taxable cost as a witness fee, because he had listed the Receiver as an expert witness in his witness disclosure of May 14, 2021.

12. As the entirety of the Receiver's fees claimed were incurred in the Receiver's capacity as receiver, and were all incurred prior to the Receiver being named as a witness for Arnould, the Receiver's fees may not be claimed as a taxable expert witness cost under NRS 18.005(5).

13. Independent of any role as an expert witness, receivers have generally been held to be employees or servants of the court, and not of the parties, and thus their fees are not treated as taxable costs. *Atlantic Trust Co. v. Chapman*, 208 US 360 - Supreme Court 1908; *See also Federal Trade Commission v. AMERICAN FINANCIAL BENEFITS CENTER*, Dist. Court, ND California 18-cv-00806, June 15, 2021.

14. The Court thus finds that the receiver fees were not taxable costs.

15. The Court finds that the parking fees listed do not meet the standard of NRS 18.005(17).

16. The Court finds that Arnould's choice to offer lunch to the parties at a settlement conference does not meet the standard of NRS 18.005(17).

17. The Court finds that all other costs claimed by Arnould are appropriate under NRS 18.005, are substantiated by sufficient documentation, and are reasonable.

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**ORDER**

Based upon a full review of the pleadings, evidence, oral arguments of counsel, findings, and conclusions of law and the powers of the Court:

IT IS ORDERED that Defendants' Motion to Retax is GRANTED with respect to costs claimed for receiver fees, parking fees, and lunch.

IT IS FURTHER ORDERED that Defendants' Motion to Retax is DENIED with respect to costs arising from filing fees, process servers, photocopies, postage, scanning, Westlaw research, messenger services, conference call, and witness fees.

It is further ordered that fees in the amount of \$5,984.46 are awarded to Arnould pursuant to NRS 86.489.

**IT IS SO ORDERED**

November 24, 2021

Dated this 24th day of November, 2021



TW

1F9 A53 ABD3 DB1D  
Nancy Allf  
District Court Judge

Respectfully submitted by:

KERN LAW, LTD.

By: /s/ Robert Kern  
Robert Kern, Esq.  
Nevada Bar No. 10104  
601 South Sixth Street  
Las Vegas, Nevada 89101  
Attorney for Defendants

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Dominique Arnould, Plaintiff(s) CASE NO: A-19-803488-B  
7 vs. DEPT. NO. Department 27  
8 Clement Muney, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/24/2021

15 Cally Hatfield	chatfield@maclaw.com
16 Robert Kern	Robert@Kernlawoffices.com
17 Melissa Milroy	Admin@KernLawOffices.com
18 Candace Carlyon	ccarlyon@carlyoncica.com
19 Tracy O'Steen	tosteen@carlyoncica.com
20 Nancy Rodriguez	nrodriguez@carlyoncica.com
21 Phillip Aurbach	PSA@maclaw.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Alexander Calaway	acalaway@maclaw.com
24 Kellie Piet	kpiet@maclaw.com

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**REGISTER OF ACTIONS**  
**CASE No. A-19-803488-B**

**Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)**

~~~~~

Case Type: **NRS Chapters 78-89**

Date Filed: 10/11/2019

Location: **Department 27**

Cross-Reference Case Number: **A803488**

Supreme Court No.: **81354**

81355

81356

83641

83869

05009

## PARTY INFORMATION

|                   |                                    |                                                                        |
|-------------------|------------------------------------|------------------------------------------------------------------------|
| Counter Claimant  | Chef Exec Suppliers, LLC           | Lead Attorneys<br>Robert J. Kern<br><i>Retained</i><br>702-518-4529(W) |
| Counter Claimant  | Muney, Clement                     | Robert J. Kern<br><i>Retained</i><br>702-518-4529(W)                   |
| Counter Defendant | Arnould, Dominique                 | Phillip S. Aurbach<br><i>Retained</i><br>7029422155(W)                 |
| Defendant         | Chef Exec Suppliers, LLC           | Robert J. Kern<br><i>Retained</i><br>702-518-4529(W)                   |
| Defendant         | Muney, Clement                     | Robert J. Kern<br><i>Retained</i><br>702-518-4529(W)                   |
| Other             | Southern Nevada Senior Law Project |                                                                        |
| Plaintiff         | Arnould, Dominique                 | Phillip S. Aurbach<br><i>Retained</i><br>7029422155(W)                 |

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## EVENTS & ORDERS OF THE COURT

| DISPOSITIONS |                                                                                                                                                                                                                                                                                         |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/14/2021   | <b>Judgment</b> (Judicial Officer: Alf, Nancy)<br>Debtors: Clement Muneý (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)<br>Judgment: 09/14/2021, Docketed: 09/15/2021<br>Total Judgment: 6,303.93                                                                              |
| 10/12/2021   | <b>Clerk's Certificate</b> (Judicial Officer: Alf, Nancy)<br>Debtors: Clement Muneý (Defendant), Chef Exec Suppliers, LLC (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)<br>Judgment: 10/12/2021, Docketed: 10/12/2021<br>Comment: Supreme Court No. 81354 " Appeal Dismissed" |
| 11/10/2021   | <b>Order</b> (Judicial Officer: Alf, Nancy)<br>Debtors: Clement Muneý (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)<br>Judgment: 11/10/2021, Docketed: 11/12/2021<br>Total Judgment: 199,985.00                                                                               |
| 11/16/2021   | <b>Judgment Plus Interest</b> (Judicial Officer: Alf, Nancy)<br>Debtors: Clement Muneý (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)<br>Judgment: 11/16/2021, Docketed: 11/17/2021<br>Total Judgment: 199,985.00                                                              |
| 11/24/2021   | <b>Order</b> (Judicial Officer: Alf, Nancy)<br>Debtors: Clement Muneý (Defendant), Chef Exec Suppliers, LLC (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)                                                                                                                     |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Judgment: 11/24/2021, Docketed: 11/29/2021<br>Total Judgment: 5,984.46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 12/15/2021 | <b>Judgment</b> (Judicial Officer: Allf, Nancy)<br>Debtors: Clement Munez (Defendant)<br>Creditors: Dominique Arnould (Plaintiff)<br>Judgment: 12/15/2021, Docketed: 12/16/2021<br>Total Judgment: 5,984.46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 05/20/2022 | <b>Amended Sanctions</b> (Judicial Officer: Allf, Nancy) Reason: Vacated<br>Debtors: Robert Kern, ESQ. (Other)<br>Creditors: Clark County Law Foundation (Other), Legal Aid Center of Southern Nevada (Other), Clark County Library (Other), Nevada Law Foundation (Other), Southern Nevada Senior Law Project (Other)<br>Judgment: 05/20/2022, Docketed: 06/18/2020<br>Comment: Vacate and stricken<br><br>06/12/2020 <b>Sanctions</b> (Judicial Officer: Allf, Nancy)<br>Debtors: Robert Kern, ESQ. (Other)<br>Creditors: Clark County Law Foundation (Other), Legal Aid Center of Southern Nevada (Other), Clark County Library (Other), Nevada Law Foundation (Other), Southern Nevada Senior Law Project (Other)<br>Judgment: 06/12/2020, Docketed: 06/18/2020<br>Total Judgment: 100.00 |
|            | <b>OTHER EVENTS AND HEARINGS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10/11/2019 | <b>Complaint (Business Court) Doc ID# 1</b><br>[1] Complaint for Appointment of a Receiver or Dissolution of LLC; Declaratory Relief; Breach of Fiduciary Duty; and Damages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/11/2019 | <b>Initial Appearance Fee Disclosure Doc ID# 2</b><br>[2] Initial Appearance Fee Disclosure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/11/2019 | <b>Summons Electronically Issued - Service Pending Doc ID# 3</b><br>[3] Summons - Civil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/11/2019 | <b>Summons Electronically Issued - Service Pending Doc ID# 4</b><br>[4] Summons - Civil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/14/2019 | <b>Disclosure Statement Doc ID# 5</b><br>[5] NRCP Rule 7.1 Disclosure Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/15/2019 | <b>Acceptance of Service Doc ID# 6</b><br>[6] Acceptance of Service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/07/2019 | <b>Answer and Counterclaim Doc ID# 7</b><br>[7] Answer and Counterclaims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/07/2019 | <b>Initial Appearance Fee Disclosure Doc ID# 8</b><br>[8] Initial Appearance Fee Disclosure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 12/02/2019 | <b>Answer to Counterclaim Doc ID# 9</b><br>[9] Plaintiff Dominique Arnould's Answer to Defendants' Counterclaim                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/06/2019 | <b>Mandatory Rule 16 Conference Order Doc ID# 10</b><br>[10] Mandatory Rule 16 Conference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/09/2019 | <b>Motion for Summary Judgment Doc ID# 11</b><br>[11] Defendants' Motion for Partial Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/09/2019 | <b>Affidavit Doc ID# 12</b><br>[12] Affidavit in Support of Defendants Motion for Partial Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/09/2019 | <b>Clerk's Notice of Hearing Doc ID# 13</b><br>[13] Notice of Hearing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/10/2019 | <b>Motion for Appointment Doc ID# 14</b><br>[14] Plaintiff Dominique Arnould's Motion for Appointment of Trustee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/10/2019 | <b>Clerk's Notice of Hearing Doc ID# 15</b><br>[15] Notice of Hearing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/19/2019 | <b>Opposition to Motion For Summary Judgment Doc ID# 16</b><br>[16] Plaintiff Dominique Arnould's Opposition to Defendants Motion for Partial Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 12/20/2019 | <b>Errata Doc ID# 17</b><br>[17] Errata to Plaintiff Dominique Arnould's Opposition to Defendants' Motion for Partial Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 12/23/2019 | <b>Opposition to Motion Doc ID# 18</b><br>[18] Defendants' Opposition To Motion For Appointment Of Trustee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/27/2019 | <b>Reply in Support Doc ID# 19</b><br>[19] Defendant's Reply in Support of Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 12/31/2019 | <b>Supplement to Opposition Doc ID# 20</b><br>[20] Supplement to Plaintiff Dominique Arnould's Opposition to Motion for Partial Summary Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 01/03/2020 | <b>Notice of Compliance Doc ID# 21</b><br>[21] Defendants' Notice of Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/03/2020 | <b>Notice of Compliance Doc ID# 22</b><br>[22] Notice of Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 01/08/2020 | <b>Reply in Support Doc ID# 23</b><br>[23] Plaintiff Dominique Arnould's Reply in Support of Motion for Appointment of Trustee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 01/09/2020 | <b>Mandatory Rule 16 Conference (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br>01/09/2020 Reset by Court to 01/09/2020<br>01/15/2020 Reset by Court to 02/20/2020<br>Result: Matter Continued                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/09/2020 | <b>Motion for Partial Summary Judgment (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br>Defendants' Motion for Partial Summary Judgment<br>Result: Denied                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 01/09/2020 | <b>All Pending Motions (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Matter Heard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 01/17/2020 | <b>Order Denying Motion Doc ID# 24</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



01/17/2020 [24] Order Denying Defendant's Motion for Summary Judgment  
**Notice of Entry of Order Doc ID# 25**  
[25] Notice of Entry of Order Denying Defendant's Motion for Summary Judgment

02/07/2020 **Settlement Conference** (9:30 AM) (Judicial Officer Williams, Timothy C.)  
[Minutes](#)  
Result: Matter Settled

02/20/2020 **CANCELED Motion for Appointment** (10:00 AM) (Judicial Officer Alf, Nancy)  
*Vacated*  
*Plaintiff Dominique Arnould's Motion for Appointment of Trustee*  
*01/15/2020 Reset by Court to 02/20/2020*

03/09/2020 **Stipulation and Order Doc ID# 26**  
[26] Stipulation and Order to Continue Hearing

03/13/2020 **Motion for Partial Summary Judgment Doc ID# 27**  
[27] Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution

03/13/2020 **Clerk's Notice of Hearing Doc ID# 28**  
[28] Notice of Hearing

03/20/2020 **Opposition and Countermotion Doc ID# 29**  
[29] Opposition to motion for summary judgment and counter-motion for enforcement of settlement agreement

03/23/2020 **Clerk's Notice of Hearing Doc ID# 30**  
[30] Clerk's Notice of Hearing

03/27/2020 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
*Minute Order: Motion for Appointment of Receiver and Mandatory Rule 16 Conference set 4/1/2020 VACATED*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

03/30/2020 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

04/01/2020 **CANCELED Motion for Appointment of Receiver** (9:30 AM) (Judicial Officer Alf, Nancy)  
*Vacated*  
*03/05/2020 Reset by Court to 05/06/2020*  
*05/06/2020 Reset by Court to 04/01/2020*

04/01/2020 **CANCELED Mandatory Rule 16 Conference** (9:30 AM) (Judicial Officer Alf, Nancy)  
*Vacated*  
*03/05/2020 Reset by Court to 05/06/2020*  
*05/06/2020 Reset by Court to 04/01/2020*

04/06/2020 **Opposition and Countermotion Doc ID# 31**  
[31] Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents  
*Related to Settlement*

04/08/2020 **Reply in Support Doc ID# 32**  
[32] Plaintiff Dominique Arnould's Reply in Support of Motion for Partial Summary Judgment

04/13/2020 **Reply in Support Doc ID# 33**  
[33] Defendants' Reply in Support of Countermotion for Enforcement Agreement, and Opposition to Motion to Strike

04/14/2020 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

04/21/2020 **CANCELED Status Check: Settlement Documents** (3:00 AM) (Judicial Officer Alf, Nancy)  
*Vacated - On in Error*

04/28/2020 **Status Check: Settlement Documents** (3:00 AM) (Judicial Officer Alf, Nancy)  
[Minutes](#)  
Result: Matter Continued

04/30/2020 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
*Minute Order: Plaintiff's MOTION for Appointment of Trustee RESET to 5/20/2020*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

05/13/2020 **Reply in Support Doc ID# 34**  
[34] Plaintiff Dominique Arnould's Reply In Support of Counter-Motion to Strike Documents Related to Settlement

05/18/2020 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
*Minute Order: Matters set 5/20/2020 CONTINUED to 6/24/2020*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

05/20/2020 **Application Doc ID# 35**  
[35] Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/20/2020 **Clerk's Notice of Hearing Doc ID# 36**  
[36] Notice of Hearing

05/20/2020 **Amended Doc ID# 37**  
[37] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/20/2020 **Temporary Restraining Order Doc ID# 38**  
[38] Temporary Restraining Order

05/20/2020 **Application Doc ID# 39**  
[39] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/21/2020 **Certificate of Mailing Doc ID# 40**  
[40] Certificate of Mailing

05/21/2020 **Notice of Entry of Order Doc ID# 41**  
[41] Notice of Entry of Order

05/21/2020 **Mandatory Rule 16 Conference Order Doc ID# 42**  
[42] Business Court Order to Appear for Mandatory 16. Conference

05/22/2020 **Motion for Temporary Restraining Order** (1:00 PM) (Judicial Officer Alf, Nancy)  
*Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction*

06/24/2020 Reset by Court to 05/22/2020

05/22/2020 **Opposition and Countermotion Doc ID# 43**  
*[43] Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order*

05/22/2020 **Opposition and Countermotion (1:00 PM)** (Judicial Officer Alf, Nancy)  
*Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order*  
 06/24/2020 Reset by Court to 05/22/2020

05/22/2020 **Clerk's Notice of Hearing Doc ID# 44**  
*[44] Notice of Hearing*

05/22/2020 **Notice of Change of Hearing Doc ID# 45**  
*[45] Notice of Change of Hearing*

05/22/2020 **All Pending Motions (1:00 PM)** (Judicial Officer Alf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

05/29/2020 **Recorders Transcript of Hearing Doc ID# 46**  
*[46] Transcript of Proceedings, Motions, Heard on May 22, 2020*

06/05/2020 **Motion Doc ID# 47**  
*[47] Plaintiff's Motion to Select Receiver*

06/08/2020 **Clerk's Notice of Hearing Doc ID# 48**  
*[48] Notice of Hearing*

06/08/2020 **Order Doc ID# 49**  
*[49] Order*

06/08/2020 **Notice of Entry of Order Doc ID# 50**  
*[50] Notice of Entry of Order*

06/10/2020 **Request Doc ID# 51**  
*[51] Plaintiff's Emergency Request for Telephonic Hearing for an Appointment of Receiver to Take Over the Warehouse or for Order Allowing Access*

06/10/2020 **Response Doc ID# 52**  
*[52] Defendants Response to Arnould's Request for Emergency Hearing*

06/10/2020 **Hearing (1:30 PM)** (Judicial Officer Alf, Nancy)  
**06/10/2020, 06/12/2020**  
*Request for Emergency hearing*  
[Parties Present](#)  
[Minutes](#)  
 06/10/2020 Reset by Court to 06/12/2020  
 Result: Matter Continued

06/10/2020 **Reply in Support Doc ID# 53**  
*[53] Reply Declaration of Phil Aurbach in Support of Telephone Conference and Access to Warehouse*

06/11/2020 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: Requested for Emergency Hearing set 6/10/2020 CONTINUED to 6/12/2020*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

06/12/2020 **Motion (12:30 PM)** (Judicial Officer Alf, Nancy)  
*Plaintiff's Motion to Select Receiver*  
 07/09/2020 Reset by Court to 06/12/2020  
 Result: Granted

06/12/2020 **Order Doc ID# 54**  
*[54] Order*

06/12/2020 **All Pending Motions (12:30 PM)** (Judicial Officer Alf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

06/15/2020 **Notice of Appeal Doc ID# 56**  
*[56] Notice of Appeal*

06/15/2020 **Notice of Appeal Doc ID# 57**  
*[57] Notice of Appeal*

06/15/2020 **Notice of Appeal Doc ID# 58**  
*[58] Notice of Appeal*

06/19/2020 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

06/24/2020 **Motion for Partial Summary Judgment (10:30 AM)** (Judicial Officer Alf, Nancy)  
*Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution*  
 04/15/2020 Reset by Court to 04/15/2020  
 05/20/2020 Reset by Court to 06/24/2020  
 Result: Denied Without Prejudice

06/24/2020 **CANCELED Opposition and Countermotion (10:30 AM)** (Judicial Officer Alf, Nancy)  
*Vacated - Previously Decided*  
*Defendant's Opposition to Motion for Partial Summary Judgment and Counter-Motion for Enforcement of Settlement Agreement*  
 05/20/2020 Reset by Court to 06/24/2020

06/24/2020 **CANCELED Motion for Appointment (10:30 AM)** (Judicial Officer Alf, Nancy)  
*Vacated - Previously Decided*  
*Plaintiff Dominique Arnould's Motion for Appointment of Trustee*  
 05/20/2020 Reset by Court to 06/24/2020

06/24/2020 **CANCELED Opposition and Countermotion (10:30 AM)** (Judicial Officer Alf, Nancy)  
*Vacated - Previously Decided*

*Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement*  
05/20/2020 *Reset by Court to 06/24/2020*

06/24/2020 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer Allf, Nancy)  
**06/24/2020, 07/22/2020**  
Result: Matter Continued

06/24/2020 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

07/14/2020 **Joint Case Conference Report** **Doc ID# 59**  
[59] *Joint Case Conference Report*

07/15/2020 **Amended Joint Case Conference Report** **Doc ID# 60**  
[60] *Amended Joint Case Conference Report*

07/21/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

07/21/2020 **Stipulation and Order** **Doc ID# 61**  
[61] *Stipulation and Order to Employ Carlyon Cica*

07/22/2020 **Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
**07/22/2020, 08/12/2020**  
*Status Check: Receiver's Report*  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

07/22/2020 **All Pending Motions** (9:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

07/28/2020 **Demand for Jury Trial** **Doc ID# 62**  
[62] *Demand for Jury Trial*

08/06/2020 **Scheduling and Trial Order** **Doc ID# 63**  
[63] *Business Court Scheduling Order And Order Setting: (1) Civil Jury Trial; (2) Calendar Call; And Status Check*

08/07/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

08/11/2020 **Receiver Report** **Doc ID# 64**  
[64] *Receiver's Preliminary Report and Recommendations*

08/14/2020 **Order Approving** **Doc ID# 65**  
[65] *Order Approving Compensation of the Receiver and His Counsel Through July 31, 2020*

08/17/2020 **Notice of Entry of Order** **Doc ID# 66**  
[66] *Notice of Entry of Order Approving Compensation of the Receiver and His Counsel through July 31, 2020*

08/21/2020 **Order** **Doc ID# 67**  
[67] *Order of Dissolution Payment of Fees and Other Orders*

09/04/2020 **Response** **Doc ID# 68**  
[68] *Defendants' Response to Receiver's Preliminary Report*

09/04/2020 **Response** **Doc ID# 69**  
[69] *Dominique Arnould's Response to the Receiver's Report*

09/09/2020 **Request** **Doc ID# 70**  
[70] *Defendants' Emergency Request for Telephonic Hearing*

09/10/2020 **Telephonic Conference** (3:00 PM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

09/10/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

09/10/2020 **Document Filed** **Doc ID# 71**  
[71] *Receiver's Rent Analysis*

09/18/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: Blue Jeans Appearance*  
[Minutes](#)  
Result: Minute Order - No Hearing Held

09/23/2020 **Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
*Status Check: Status of Case/Dissolution*  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

09/28/2020 **Motion** **Doc ID# 72**  
[72] *Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Regarding Winding up the LLC on an Order Shortening Time*

09/29/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

09/29/2020 Result: Minute Order - No Hearing Held  
**Opposition to Motion For Summary Judgment Doc ID# 73**  
[73] *Opposition to Motion for Partial Summary Judgment*

09/30/2020 **Motion for Summary Judgment (10:30 AM)** (Judicial Officer Alf, Nancy)  
*Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Re; Winding Up the LLC on Order Shortening Time*  
[Parties Present](#)  
[Minutes](#)

10/02/2020 Result: No Ruling  
**Order Doc ID# 74**  
[74] *Order RE: Arnould's Motion for Winding Up the LLC*

10/16/2020 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

10/22/2020 Result: Minute Order - No Hearing Held  
**Recorders Transcript of Hearing Doc ID# 75**  
[75] *Transcript of Proceedings, Pending Motions, Heard on August 12, 2020*

10/27/2020 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

11/02/2020 Result: Minute Order - No Hearing Held  
**Request Doc ID# 76**  
[76] *REQUEST FOR TRANSCRIPT OF PROCEEDINGS*

11/16/2020 **Objection Doc ID# 77**  
[77] *Non-Party CMJJ's Objection to Subpoena and Subpoena Duces Tecum*

11/17/2020 **Objection Doc ID# 78**  
[78] *Non-Party Jeremy Muney's Objection to Subpoena and Subpoena Duces Tecum*

11/23/2020 **Objection Doc ID# 79**  
[79] *Non-Party CMJJ's Objection to Amended Subpoena and Subpoena Duces Tecum*

11/23/2020 **Objection Doc ID# 80**  
[80] *Non-Party Jeremy Muney's Objection to Amended Subpoena and Subpoena Duces Tecum*

12/07/2020 **Receiver Report Doc ID# 81**  
[81] *Receiver's Final Report and Recommendations*

12/10/2020 **CANCELED Status Check (10:00 AM)** (Judicial Officer Alf, Nancy)  
*Vacated*  
03/18/2021 *Reset by Court to 12/10/2020*

12/22/2020 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

12/23/2020 Result: Minute Order - No Hearing Held  
**Status Check (9:30 AM)** (Judicial Officer Alf, Nancy)  
*Status Check: Receiver's Report*  
[Minutes](#)  
10/21/2020 *Reset by Court to 11/04/2020*  
11/04/2020 *Reset by Court to 12/03/2020*  
12/03/2020 *Reset by Court to 12/10/2020*  
12/10/2020 *Reset by Court to 12/23/2020*

12/23/2020 Result: Minute Order - No Hearing Held  
**Motion Doc ID# 82**  
[82] *Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver*

12/24/2020 **Clerk's Notice of Hearing Doc ID# 83**  
[83] *Notice of Hearing*

12/30/2020 **Stipulation and Order Doc ID# 84**  
[84] *Stipulation and Order to Close Bank Account*

12/31/2020 **Notice of Entry Doc ID# 85**  
[85] *Notice of Entry of Stipulation and Order to Close Company Bank Account*

01/05/2021 **Recorders Transcript of Hearing Doc ID# 86**  
[86] *Transcript of Proceedings, Motions, Heard on June 12, 2020*

01/06/2021 **Opposition to Motion Doc ID# 87**  
[87] *Opposition to Motion to Approve Final Receivers Report*

01/08/2021 **Stipulation and Order Doc ID# 88**  
[88] *Stipulation and Order to Extend Discovery and Continue Trial (First Request)*

01/08/2021 **Scheduling and Trial Order Doc ID# 89**  
[89] *Buisness Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and (3) Status Check*

01/20/2021 **Reply in Support Doc ID# 90**  
[90] *Plaintiff's Reply in Support of its Motion to Approve Receiver's Final Report and Discharge Receiver*

01/26/2021 **Minute Order (9:55 AM)** (Judicial Officer Alf, Nancy)  
[Minutes](#)

01/28/2021 Result: Minute Order - No Hearing Held  
**Recorders Transcript of Hearing Doc ID# 91**  
[91] *Transcript of Proceedings, Status Check: Receiver's Report, Heard on December 23, 2020*

01/29/2021 **Objection Doc ID# 92**  
[92] *Defendants' Objection to Receiver's Final Report*

02/06/2021 **Response Doc ID# 93**  
[93] *Response to Defendants' Objection to Receiver's Final Report and Recommendations*

02/09/2021 **Minute Order (3:00 AM)** (Judicial Officer Alf, Nancy)  
*Minute Order: BlueJeans Appearance*  
[Minutes](#)

Result: Minute Order - No Hearing Held

02/10/2021 **Motion** (10:00 AM) (Judicial Officer Alif, Nancy)  
*Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver*  
[Parties Present](#)  
[Minutes](#)  
01/27/2021 Reset by Court to 02/10/2021  
Result: Granted

02/17/2021 **Order Doc ID# 94**  
[94] Order

02/18/2021 **Notice of Entry of Order Doc ID# 95**  
[95] Notice of Entry of Order

02/21/2021 **Stipulation and Order to Extend Discovery Deadlines Doc ID# 96**  
[96] Stipulation and Order to Extend Discovery and Continue Trial (Second Request)

02/23/2021 **Minute Order** (3:00 AM) (Judicial Officer Alif, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

02/23/2021 **Scheduling and Trial Order Doc ID# 97**  
[97] Business Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and Status Check (Second Request)

02/24/2021 **Status Check** (10:00 AM) (Judicial Officer Alif, Nancy)  
Status Check: Bank Account Issues  
[Parties Present](#)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

02/26/2021 **Stipulation and Order Doc ID# 98**  
[98] Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust

03/01/2021 **Notice of Entry of Stipulation and Order Doc ID# 99**  
[99] Notice of Entry Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust

04/15/2021 **CANCELED Calendar Call** (10:30 AM) (Judicial Officer Alif, Nancy)  
Vacated

04/19/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Alif, Nancy)  
Vacated

05/06/2021 **Motion to Stay Doc ID# 100**  
[100] Motion for Stay of Proceedings Pending Appeal

05/06/2021 **Clerk's Notice of Nonconforming Document Doc ID# 101**  
[101] Clerk's Notice of Nonconforming Document

05/06/2021 **Motion to Stay Doc ID# 102**  
[102] Motion for Stay Pending Appeal

05/06/2021 **Clerk's Notice of Hearing Doc ID# 103**  
[103] Notice of Hearing

05/13/2021 **CANCELED Status Check** (9:30 AM) (Judicial Officer Alif, Nancy)  
Vacated  
Trial Readiness

05/17/2021 **Affidavit of Service Doc ID# 104**  
[104] Affidavit of Service

05/17/2021 **Affidavit of Service Doc ID# 105**  
[105] Affidavit of Service

05/20/2021 **Opposition to Motion Doc ID# 106**  
[106] Dominique Arnould's Opposition to Defendants' Motion for Stay Pending Appeal

05/26/2021 **Reply in Support Doc ID# 107**  
[107] Reply in Support of Motion for Stay of Proceedings Pending Appeal

06/04/2021 **Minute Order** (3:00 AM) (Judicial Officer Alif, Nancy)  
Minute Order: Continuance of matter set on June 17, 2021  
[Minutes](#)  
Result: Minute Order - No Hearing Held

06/08/2021 **Minute Order** (3:00 AM) (Judicial Officer Alif, Nancy)  
Minute Order: BlueJeans Appearances  
[Minutes](#)  
Result: Minute Order - No Hearing Held

06/09/2021 **Motion For Stay** (9:30 AM) (Judicial Officer Alif, Nancy)  
Defendants' Motion for Stay Pending Appeal  
[Parties Present](#)  
[Minutes](#)  
Result: Denied

06/14/2021 **Motion for Summary Judgment Doc ID# 108**  
[108] Plaintiff. Dominique Arnould's Motion for Summary Judgment

06/14/2021 **Clerk's Notice of Hearing Doc ID# 109**  
[109] Notice of Hearing

06/17/2021 **Order Doc ID# 110**  
[110] Order Denying Defendants/ Counter- Claimants' Motion for Stay Pending Appeal

06/18/2021 **CANCELED Status Check** (9:30 AM) (Judicial Officer Alif, Nancy)  
Vacated  
Status Check: Trial Readiness  
06/17/2021 Reset by Court to 06/18/2021

06/18/2021 **Minute Order** (3:00 AM) (Judicial Officer Alif, Nancy)  
Minute Order: Status Check on 6/18/2021 VACATED  
[Minutes](#)  
Result: Minute Order - No Hearing Held

06/18/2021 **Notice of Rescheduling of Hearing Doc ID# 111**

06/24/2021 [111] Notice of Rescheduling of Hearing  
**CANCELED Calendar Call** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Vacated

06/24/2021 **Opposition to Motion Doc ID# 112**  
 [112] Opposition to Plaintiff's Motion for Summary Judgment

06/28/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Vacated

07/02/2021 **Mandatory Pretrial Disclosure Doc ID# 113**  
 [113] Plaintiff/ Counter-Defendant Dominique Arnould's Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)

07/09/2021 **Motion to Compel Doc ID# 114**  
 [114] Motion to Compel Discovery Responses

07/09/2021 **Reply in Support Doc ID# 115**  
 [115] Plaintiff, Dominique Arnould's Reply in Support of Motion for Summary Judgment

07/09/2021 **Clerk's Notice of Hearing Doc ID# 116**  
 [116] Notice of Hearing

07/13/2021 **Stipulation and Order Doc ID# 117**  
 [117] Stipulation and Order to Continue Hearing on Motion for Summary Judgment Hearing

07/22/2021 **Calendar Call** (10:30 AM) (Judicial Officer Thompson, Charles)  
[Parties Present](#)  
[Minutes](#)  
 07/29/2021 Reset by Court to 07/22/2021

Result: Matter Heard

07/24/2021 **Opposition and Countermotion Doc ID# 118**  
 [118] Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions

07/28/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
 Minute Order: BlueJeans Appearance  
[Minutes](#)

Result: Minute Order - No Hearing Held

07/29/2021 **Motion for Summary Judgment** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Plaintiff, Dominique Arnould's Motion for Summary Judgment  
 07/15/2021 Reset by Court to 07/29/2021

Result: Granted

07/29/2021 **Motion to Compel** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Motion to Compel Discovery Responses  
 08/10/2021 Reset by Court to 07/29/2021

Result: Denied

07/29/2021 **Opposition and Countermotion** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions  
[Minutes](#)

Result: No Ruling

07/29/2021 **Order Doc ID# 119**  
 [119] Order Re: Calendar Call on July 22, 2021

07/29/2021 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)

Result: Matter Heard

08/02/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)  
 Vacated

09/07/2021 **Objection Doc ID# 120**  
 [120] Defendants' Objections to Post Judgment Subpoena Duces Tecum

09/07/2021 **Motion for Protective Order Doc ID# 121**  
 [121] (11/24/21 Withdraw) Motion for Protective Order from Post Judgment Subpoena Duces Tecum

09/08/2021 **Clerk's Notice of Hearing Doc ID# 122**  
 [122] Notice of Hearing

09/10/2021 **Findings of Fact, Conclusions of Law and Order Doc ID# 123**  
 [123] Findings of Fact, Conclusions of Law, and Order

09/13/2021 **Notice of Entry of Findings of Fact, Conclusions of Law Doc ID# 124**  
 [124] Notice of Entry of Findings of Fact, Conclusions of Law, and Order

09/14/2021 **Judgment Doc ID# 125**  
 [125] \$6,303.93 Judgment in Favor of Dominique Arnould and Against Clement Munev

09/21/2021 **Notice of Entry of Judgment Doc ID# 126**  
 [126] Notice of Entry of \$6,303.93 Judgment in Favor of Dominique Arnould and Against Clement Munev

09/21/2021 **Memorandum of Costs and Disbursements Doc ID# 127**  
 [127] Plaintiff's Verified Memorandum of Costs

09/21/2021 **Opposition to Motion Doc ID# 128**  
 [128] Plaintiff Dominique Arnould's Opposition to Defendants' Motion for Protective Order from Post Judgment Subpoena Duces Tecum

09/24/2021 **Motion to Retax Doc ID# 129**  
 [129] Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs

09/24/2021 **Clerk's Notice of Hearing Doc ID# 130**  
 [130] Notice of Hearing

09/27/2021 **Reply in Support Doc ID# 131**  
 [131] Reply in Support of Motion for Protective Order From Post Judgment Subpoena Duces Tecum

09/28/2021 **Motion for Attorney Fees Doc ID# 132**  
 [132] Plaintiff's Motion for Attorneys' Fees

09/28/2021 **Clerk's Notice of Hearing Doc ID# 133**  
 [133] Notice of Hearing

09/30/2021 **CANCELED Calendar Call** (10:31 AM) (Judicial Officer Allf, Nancy)  
 Vacated - Case Closed

10/01/2021 **Notice of Change of Hearing Doc ID# 134**  
 [134] Notice of Change of Hearing

10/08/2021 **Opposition to Motion Doc ID# 135**



10/08/2021 [135] Opposition to Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs  
**Opposition to Motion Doc ID# 136**  
[136] Defendants' Opposition to Motion for Attorneys Fees

10/08/2021 **Notice of Appeal Doc ID# 137**  
[137] Notice of Appeal

10/11/2021 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer Allf, Nancy)  
Vacated - Case Closed

10/12/2021 **NV Supreme Court Clerks Certificate/Judgment - Dismissed Doc ID# 138**  
[138] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

10/29/2021 **Reply in Support Doc ID# 139**  
[139] Plaintiff's Reply in Support of Motion for Attorneys' Fees

11/02/2021 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

11/02/2021 **Notice of Hearing Doc ID# 140**  
[140] Notice of Hearing

11/02/2021 **Notice of Hearing Doc ID# 141**  
[141] Notice of Hearing

11/02/2021 **Notice of Hearing Doc ID# 142**  
[142] Notice of Hearing

11/04/2021 **Motion to Retax** (10:00 AM) (Judicial Officer Allf, Nancy)  
Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs  
Result: Denied in Part

11/04/2021 **Motion for Attorney Fees** (10:00 AM) (Judicial Officer Allf, Nancy)  
Plaintiff's Motion for Attorneys' Fees  
Result: Granted

11/04/2021 **All Pending Motions** (10:00 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

11/09/2021 **Notice of Change of Hearing Doc ID# 143**  
[143] Notice of Change of Hearing

11/10/2021 **Order Granting Motion Doc ID# 144**  
[144] Order Granting Dominique Arnould's Motion for Attorney Fees Against Clement Mune

11/15/2021 **Notice of Change of Hearing Doc ID# 145**  
[145] Notice of Change of Hearing

11/16/2021 **Notice of Entry of Order Doc ID# 146**  
[146] Notice of Entry of Order

11/16/2021 **Judgment Doc ID# 147**  
[147] Judgment in Favor of Dominique Arnould and Against Clement Mune

11/16/2021 **Notice of Entry of Judgment Doc ID# 148**  
[148] Notice of Entry of Judgment in Favor of Dominique Arnould and Against Clement Mune

11/17/2021 **Recorders Transcript of Hearing Doc ID# 149**  
[149] Transcript of Proceedings Re: Motions November 4, 2021

11/24/2021 **Notice of Appeal Doc ID# 150**  
[150] Notice of Appeal

11/24/2021 **Stipulation and Order Doc ID# 151**  
[151] Stipulation and Order

11/24/2021 **Notice of Entry of Stipulation and Order Doc ID# 152**  
[152] Notice of Entry of Stipulation and Order

11/24/2021 **Findings of Fact, Conclusions of Law and Order Doc ID# 153**  
[153] Findings Of Fact And Conclusions Of Law And Order Granting In Part And Denying In Part Defendants' Motion To Retax Costs

12/02/2021 **Recorders Transcript of Hearing Doc ID# 154**  
[154] Transcript of Proceedings, Motions, Heard on July 29, 2021

12/08/2021 **CANCELED Motion for Protective Order** (9:30 AM) (Judicial Officer Allf, Nancy)  
Vacated - per Stipulation and Order  
Defendants' Motion for Protective Order from Post Judgment Subpoena Duces Tecum  
10/12/2021 Reset by Court to 11/10/2021  
11/10/2021 Reset by Court to 11/16/2021  
11/16/2021 Reset by Court to 12/08/2021

12/09/2021 **Notice of Entry of Findings of Fact, Conclusions of Law Doc ID# 155**  
[155] Notice of Entry of Findings of Fact and Conclusions of Law and Order Granting in Part and Denying in Part Defendants' Motion to Retax Costs

12/15/2021 **Judgment Doc ID# 156**  
[156] A-19-803488-B Judgment for \$5,984.46 in Favor of Dominique Arnould and Against Clement Mune

12/15/2021 **Notice of Entry of Judgment Doc ID# 157**  
[157] Notice of Entry of Judgment for \$5,984.46 in Favor of Dominique Arnould and Against Clement Mune

12/17/2021 **Ex Parte Application Doc ID# 158**  
[158] Dominique Arnould's Ex-Parte Application for Charging Order

12/21/2021 **Motion to Stay Doc ID# 159**  
[159] Defendant's Motion for Stay Pending Appeal and Opposition to Ex Parte Application for Charging Order

12/21/2021 **Writ Electronically Issued Doc ID# 160**  
[160] Writ of Execution

12/21/2021 **Writ Electronically Issued Doc ID# 161**  
[161] Writ of Execution

12/22/2021 **Clerk's Notice of Hearing Doc ID# 162**  
[162] Notice of Hearing

12/23/2021 **Transcript of Proceedings Doc ID# 163**  
[163] REQUEST FOR TRANSCRIPT OF PROCEEDINGS

01/04/2022 **Opposition to Motion Doc ID# 164**

01/10/2022 [\[164\] Opposition to Defendants' Motion for Stay Pending Appeal](#)  
**Reply in Support Doc ID# 165**  
[\[165\] Reply in Support of Motion for Stay Pending Appeal](#)

01/11/2022 **Ex Parte Application for Examination of Judgment Debtor Doc ID# 166**  
[\[166\] Dominique Arould' Ex-Parte Application for Judgment Debtor Examination](#)

01/14/2022 **Ex Parte Order Doc ID# 167**  
[\[167\] Ex Parte Order for Judgment Debtor Examination of Clement Mune](#)

01/14/2022 **Notice of Entry of Order Doc ID# 168**  
[\[168\] Notice of Entry of Ex-Parte Order for Judgment Debtor Examination of Clement Mune](#)

01/19/2022 **Notice of Posting Bond Doc ID# 169**  
[\[169\] Notice of Posting of Supersedeas Bond for Stay Pending Appeal](#)

01/19/2022 **Notice of Posting Bond Doc ID# 170**  
[\[170\] Notice of Posting of Supersedeas Bond](#)

01/19/2022 **Notice of Posting Bond Doc ID# 171**  
[\[171\] Notice of Posting Supersedeas Bond](#)

01/24/2022 **Affidavit Claiming Exempt Property Doc ID# 172**  
[\[172\] Claim of Exemption from Execution](#)

02/01/2022 **Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)**  
 Minute Order: BlueJeans Information  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

02/01/2022 **Supplement to Opposition Doc ID# 173**  
[\[173\] Plaintiff Dominique Arould's Supplement in Opposition of Motion for Stay](#)

02/02/2022 **CANCELED Motion For Stay (9:00 AM) (Judicial Officer Allf, Nancy)**  
 Vacated  
 Defendant's Motion for Stay Pending Appeal and Opposition to Ex Parte Application for Charging Order  
 01/26/2022 Reset by Court to 02/02/2022

02/02/2022 **Motion For Stay (9:00 AM) (Judicial Officer Allf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
 Result: Withdrawn

02/02/2022 **Stipulation and Order Doc ID# 174**  
[\[174\] Stipulation And Order Allowing Withdrawal of Motion for Stay](#)

02/02/2022 **Notice of Entry Doc ID# 175**  
[\[175\] Notice of Entry of Order](#)

02/23/2022 **Motion to Increase Doc ID# 176**  
[\[176\] Plaintiff Dominique Arould's Motion to Increase Bond Amount](#)

02/23/2022 **Clerk's Notice of Hearing Doc ID# 177**  
[\[177\] Notice of Hearing](#)

03/04/2022 **Opposition to Motion Doc ID# 178**  
[\[178\] Opposition to Plaintiff's Motion to Increase Bond](#)

03/25/2022 **Reply in Support Doc ID# 179**  
[\[179\] Plaintiff Dominique Arould's Reply in Support of Motion to Increase Bond Amount](#)

04/01/2022 **Motion to Increase (11:30 AM) (Judicial Officer Allf, Nancy)**  
 Plaintiff Dominique Arould's Motion to Increase Bond Amount  
[Parties Present](#)  
[Minutes](#)  
 03/30/2022 Reset by Court to 04/01/2022  
 Result: Denied

05/20/2022 **Order Doc ID# 180**  
[\[180\] Order Vacating Sanction](#)

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**FINANCIAL INFORMATION**

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|                                            |                                     |                            |             |
|--------------------------------------------|-------------------------------------|----------------------------|-------------|
| <b>Counter Claimant</b> Mune, Clement      |                                     |                            |             |
|                                            | Total Financial Assessment          |                            | 1,857.00    |
|                                            | Total Payments and Credits          |                            | 1,857.00    |
|                                            | <b>Balance Due as of 06/10/2022</b> |                            | <b>0.00</b> |
| 11/07/2019                                 | Transaction Assessment              |                            | 1,513.00    |
| 11/07/2019                                 | Efile Payment                       | Receipt # 2019-67803-CCCLK | (1,513.00)  |
| 12/09/2019                                 | Transaction Assessment              |                            | 200.00      |
| 12/09/2019                                 | Efile Payment                       | Receipt # 2019-73449-CCCLK | (200.00)    |
| 06/15/2020                                 | Transaction Assessment              |                            | 24.00       |
| 06/15/2020                                 | Efile Payment                       | Receipt # 2020-31763-CCCLK | (24.00)     |
| 06/15/2020                                 | Transaction Assessment              |                            | 24.00       |
| 06/15/2020                                 | Efile Payment                       | Receipt # 2020-31768-CCCLK | (24.00)     |
| 06/17/2020                                 | Transaction Assessment              |                            | 24.00       |
| 10/08/2021                                 | Transaction Assessment              |                            | 24.00       |
| 10/08/2021                                 | Efile Payment                       | Receipt # 2021-62669-CCCLK | (24.00)     |
| 11/24/2021                                 | Transaction Assessment              |                            | 48.00       |
| 11/24/2021                                 | Efile Payment                       | Receipt # 2021-72339-CCCLK | (48.00)     |
| <br>                                       |                                     |                            |             |
| <b>Counter Defendant</b> Arould, Dominique |                                     |                            |             |
|                                            | Total Financial Assessment          |                            | 2,148.50    |
|                                            | Total Payments and Credits          |                            | 2,148.50    |



|            |                                     |                            |                    |             |
|------------|-------------------------------------|----------------------------|--------------------|-------------|
|            | <b>Balance Due as of 06/10/2022</b> |                            |                    | <b>0.00</b> |
| 10/11/2019 | Transaction Assessment              |                            |                    | 1,533.50    |
| 10/11/2019 | Efile Payment                       | Receipt # 2019-62251-CCCLK | Arnould, Dominique | (1,533.50)  |
| 10/11/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 10/11/2019 | Efile Payment                       | Receipt # 2019-62347-CCCLK | Arnould, Dominique | (3.50)      |
| 10/14/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 10/14/2019 | Efile Payment                       | Receipt # 2019-62604-CCCLK | Arnould, Dominique | (3.50)      |
| 10/15/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 10/15/2019 | Efile Payment                       | Receipt # 2019-62847-CCCLK | Arnould, Dominique | (3.50)      |
| 12/02/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 12/02/2019 | Efile Payment                       | Receipt # 2019-72042-CCCLK | Arnould, Dominique | (3.50)      |
| 12/10/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 12/10/2019 | Efile Payment                       | Receipt # 2019-73776-CCCLK | Arnould, Dominique | (3.50)      |
| 12/19/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 12/19/2019 | Efile Payment                       | Receipt # 2019-75995-CCCLK | Arnould, Dominique | (3.50)      |
| 12/20/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 12/20/2019 | Efile Payment                       | Receipt # 2019-76217-CCCLK | Arnould, Dominique | (3.50)      |
| 12/31/2019 | Transaction Assessment              |                            |                    | 3.50        |
| 12/31/2019 | Efile Payment                       | Receipt # 2019-77654-CCCLK | Arnould, Dominique | (3.50)      |
| 01/03/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 01/03/2020 | Efile Payment                       | Receipt # 2020-00521-CCCLK | Arnould, Dominique | (3.50)      |
| 01/08/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 01/08/2020 | Efile Payment                       | Receipt # 2020-01277-CCCLK | Arnould, Dominique | (3.50)      |
| 01/17/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 01/17/2020 | Efile Payment                       | Receipt # 2020-03406-CCCLK | Arnould, Dominique | (3.50)      |
| 01/17/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 01/17/2020 | Efile Payment                       | Receipt # 2020-03411-CCCLK | Arnould, Dominique | (3.50)      |
| 03/09/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 03/09/2020 | Efile Payment                       | Receipt # 2020-14556-CCCLK | Arnould, Dominique | (3.50)      |
| 03/13/2020 | Transaction Assessment              |                            |                    | 203.50      |
| 03/13/2020 | Efile Payment                       | Receipt # 2020-15535-CCCLK | Arnould, Dominique | (203.50)    |
| 04/06/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 04/06/2020 | Efile Payment                       | Receipt # 2020-19261-CCCLK | Arnould, Dominique | (3.50)      |
| 04/08/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 04/08/2020 | Efile Payment                       | Receipt # 2020-19639-CCCLK | Arnould, Dominique | (3.50)      |
| 05/13/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 05/13/2020 | Efile Payment                       | Receipt # 2020-26032-CCCLK | Arnould, Dominique | (3.50)      |
| 05/22/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 05/22/2020 | Efile Payment                       | Receipt # 2020-27657-CCCLK | Arnould, Dominique | (3.50)      |
| 06/05/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 06/05/2020 | Efile Payment                       | Receipt # 2020-30068-CCCLK | Arnould, Dominique | (3.50)      |
| 06/08/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 06/08/2020 | Efile Payment                       | Receipt # 2020-30444-CCCLK | Arnould, Dominique | (3.50)      |
| 06/10/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 06/10/2020 | Efile Payment                       | Receipt # 2020-30810-CCCLK | Arnould, Dominique | (3.50)      |
| 06/10/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 06/10/2020 | Efile Payment                       | Receipt # 2020-30868-CCCLK | Arnould, Dominique | (3.50)      |
| 06/15/2020 | Efile Payment                       | Receipt # 2020-31759-CCCLK | Arnould, Dominique | (24.00)     |
| 07/14/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 07/14/2020 | Efile Payment                       | Receipt # 2020-37659-CCCLK | Arnould, Dominique | (3.50)      |
| 07/15/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 07/15/2020 | Efile Payment                       | Receipt # 2020-38066-CCCLK | Arnould, Dominique | (3.50)      |
| 09/04/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 09/04/2020 | Efile Payment                       | Receipt # 2020-49625-CCCLK | Arnould, Dominique | (3.50)      |
| 12/23/2020 | Transaction Assessment              |                            |                    | 3.50        |
| 12/23/2020 | Efile Payment                       | Receipt # 2020-72287-CCCLK | Arnould, Dominique | (3.50)      |
| 01/20/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 01/20/2021 | Efile Payment                       | Receipt # 2021-03656-CCCLK | Arnould, Dominique | (3.50)      |
| 02/18/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 02/18/2021 | Efile Payment                       | Receipt # 2021-09791-CCCLK | Arnould, Dominique | (3.50)      |
| 05/20/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 05/20/2021 | Efile Payment                       | Receipt # 2021-31568-CCCLK | Arnould, Dominique | (3.50)      |
| 06/14/2021 | Transaction Assessment              |                            |                    | 203.50      |
| 06/14/2021 | Efile Payment                       | Receipt # 2021-36955-CCCLK | Arnould, Dominique | (203.50)    |
| 07/02/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 07/02/2021 | Efile Payment                       | Receipt # 2021-41446-CCCLK | Arnould, Dominique | (3.50)      |
| 07/09/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 07/09/2021 | Efile Payment                       | Receipt # 2021-42784-CCCLK | Arnould, Dominique | (3.50)      |
| 07/24/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 07/24/2021 | Efile Payment                       | Receipt # 2021-46068-CCCLK | Arnould, Dominique | (3.50)      |
| 09/13/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 09/13/2021 | Efile Payment                       | Receipt # 2021-56932-CCCLK | Arnould, Dominique | (3.50)      |
| 09/21/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 09/21/2021 | Efile Payment                       | Receipt # 2021-58725-CCCLK | Arnould, Dominique | (3.50)      |
| 09/21/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 09/21/2021 | Efile Payment                       | Receipt # 2021-58727-CCCLK | Arnould, Dominique | (3.50)      |
| 09/28/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 09/28/2021 | Efile Payment                       | Receipt # 2021-60148-CCCLK | Arnould, Dominique | (3.50)      |
| 10/08/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 10/08/2021 | Efile Payment                       | Receipt # 2021-62608-CCCLK | Arnould, Dominique | (3.50)      |
| 10/29/2021 | Transaction Assessment              |                            |                    | 3.50        |
| 10/29/2021 | Efile Payment                       | Receipt # 2021-67062-CCCLK | Arnould, Dominique | (3.50)      |
| 11/16/2021 | Transaction Assessment              |                            |                    | 3.50        |

|            |                        |                            |                           |         |
|------------|------------------------|----------------------------|---------------------------|---------|
| 11/16/2021 | Efile Payment          | Receipt # 2021-70301-CCCLK | Arnould, Dominique        | (3.50)  |
| 11/16/2021 | Transaction Assessment |                            |                           | 3.50    |
| 11/16/2021 | Efile Payment          | Receipt # 2021-70521-CCCLK | Arnould, Dominique        | (3.50)  |
| 11/24/2021 | Transaction Assessment |                            |                           | 3.50    |
| 11/24/2021 | Efile Payment          | Receipt # 2021-72381-CCCLK | Arnould, Dominique        | (3.50)  |
| 12/09/2021 | Transaction Assessment |                            |                           | 3.50    |
| 12/09/2021 | Efile Payment          | Receipt # 2021-75041-CCCLK | Arnould, Dominique        | (3.50)  |
| 12/15/2021 | Transaction Assessment |                            |                           | 3.50    |
| 12/15/2021 | Efile Payment          | Receipt # 2021-76281-CCCLK | Arnould, Dominique        | (3.50)  |
| 12/17/2021 | Transaction Assessment |                            |                           | 13.00   |
| 12/17/2021 | Payment (Window)       | Receipt # 2021-76822-CCCLK | Nationwide Legal Services | (13.00) |
| 12/17/2021 | Transaction Assessment |                            |                           | 3.50    |
| 12/17/2021 | Efile Payment          | Receipt # 2021-76933-CCCLK | Arnould, Dominique        | (3.50)  |
| 12/22/2021 | Transaction Assessment |                            |                           | 23.50   |
| 12/22/2021 | Efile Payment          | Receipt # 2021-77672-CCCLK | Arnould, Dominique        | (23.50) |
| 01/04/2022 | Transaction Assessment |                            |                           | 3.50    |
| 01/04/2022 | Efile Payment          | Receipt # 2022-00444-CCCLK | Arnould, Dominique        | (3.50)  |
| 01/11/2022 | Transaction Assessment |                            |                           | 3.50    |
| 01/11/2022 | Efile Payment          | Receipt # 2022-01957-CCCLK | Arnould, Dominique        | (3.50)  |
| 01/14/2022 | Transaction Assessment |                            |                           | 3.50    |
| 01/14/2022 | Efile Payment          | Receipt # 2022-02837-CCCLK | Arnould, Dominique        | (3.50)  |
| 02/01/2022 | Transaction Assessment |                            |                           | 3.50    |
| 02/01/2022 | Efile Payment          | Receipt # 2022-06167-CCCLK | Arnould, Dominique        | (3.50)  |
| 02/23/2022 | Transaction Assessment |                            |                           | 3.50    |
| 02/23/2022 | Efile Payment          | Receipt # 2022-10857-CCCLK | Arnould, Dominique        | (3.50)  |
| 03/25/2022 | Transaction Assessment |                            |                           | 3.50    |
| 03/25/2022 | Efile Payment          | Receipt # 2022-18094-CCCLK | Arnould, Dominique        | (3.50)  |

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **RESPONDENT'S ANSWERING APPENDIX** was filed electronically with the Nevada Supreme Court on the 15<sup>th</sup> day of June, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Robert Kern, Esq.

/s/ Leah A. Dell

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An employee of Marquis Aurbach