

ROGER P. CROTEAU & ASSOCIATES, LTD.  
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •  
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 **NOAS**

2 ROGER P. CROTEAU, ESQ.

3 Nevada Bar No. 4958

4 CHRISTOPHER L. BENNER, ESQ.

5 Nevada Bar No. 8963

6 ROGER P. CROTEAU & ASSOCIATES, LTD.

7 2810 W. Charleston Blvd., Ste. 75

8 Las Vegas, Nevada 89102

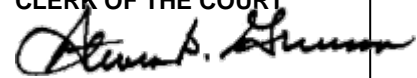
9 (702) 254-7775

10 (702) 228-7719 (facsimile)

11 croteaulaw@croteaulaw.com

12 *Attorneys for Plaintiff*

Electronically Filed  
10/14/2021 11:44 AM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Oct 25 2021 08:55 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 SATICOY BAY, LLC, SERIES 6387  
16 HAMILTON GROVE, a Nevada limited liability  
17 company,

18 Plaintiff,

19 vs.

20 SURNRISE RIDGE MASTER ASSOCIATION,  
21 a Nevada non-profit corporation; and NEVADA  
22 ASSOCIATION SERVICES, INC., a Nevada  
23 Corporation,

24 Defendants.

Case No. A-19-790247-C

Dept No. 17

**NOTICE OF APPEAL**

25 NOTICE IS HEREBY GIVEN that Defendant SATICOY BAY LLC SERIES 6387  
26 HAMILTON GROVE, by and through its attorneys, Roger P. Croteau & Associates, Ltd., hereby  
27 appeals to the Supreme Court of Nevada from:

28 (1) the Notice of Entry of Order Granting Defendant Sunrise Ridge Master Homeowners'  
Association's Motion to Dismiss or Alternatively, Motion for Summary Judgment, entered by the

ROGER P. CROTEAU & ASSOCIATES, LTD.  
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •  
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 Eighth Judicial District Court, Clark County, Nevada, on September 16, 2021, as joined by Nevada  
2 Association Services, Inc., and all interlocutory orders therein.

3 Dated: This October 14, 2021.

4 ROGER P. CROTEAU & ASSOCIATES, LTD.

5 /s/ Christopher L. Benner

6 Roger P. Croteau, Esq.

7 Nevada Bar No. 4958

8 Christopher L. Benner, Esq.

9 Nevada Bar No. 8963

10 2810 W. Charleston Blvd., Suite 75

11 Las Vegas, Nevada 89102

12 *Attorneys for Plaintiff*

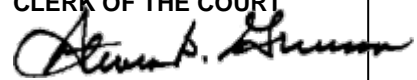
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Telephone: (702) 254-7775 • Facsimile (702) 228-7719

**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2021 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

An employee of  
ROGER P. CROTEAU & ASSOCIATES, LTD.



**ASTA**  
ROGER P. CROTEAU, ESQ.  
Nevada Bar No. 4958  
ROGER P. CROTEAU & ASSOCIATES, LTD.  
2810 W. Charleston Blvd., Ste. 75  
Las Vegas, Nevada 89102  
(702) 254-7775  
(702) 228-7719 (facsimile)  
croteaulaw@croteaulaw.com  
Attorneys for Plaintiff Saticoy Bay, LLC Series  
6387 Hamilton Grove

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

SATICOY BAY, LLC, SERIES 6387  
HAMILTON GROVE, a Nevada limited  
liability company,

Plaintiff,

vs.

SURNRISE RIDGE MASTER  
ASSOCIATION, a Nevada non-profit  
corporation; and NEVADA ASSOCIATION  
SERVICES, INC., a Nevada Corporation,

Defendants.

Case No. A-19-790247-C

Dept No. 17

**CASE APPEAL STATEMENT**

Defendant Saticoy Bay LLC Series 6387 Hamilton Grove, by and through its attorneys, Roger  
P. Croteau & Associates, Ltd., submits its Case Appeal Statement.

**1. Name of appellant filing this case appeal statement:**

Defendant Saticoy Bay LLC Series 6387 Hamilton Grove

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

The Honorable Jacqueline M. Bluth

3. **Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:**

Saticoy Bay LLC Series 6387 Hamilton Grove, a Nevada Series Limited Liability Company (“Saticoy”)

Roger P. Croteau, Esq.  
Roger P. Croteau & Associates, Ltd.  
2810 West Charleston Blvd., #75  
Las Vegas, Nevada 89102  
(702) 254-7775

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent’s counsel is unknown, indicate as much and provide the name and address of that respondent’s trial counsel):**

Sunset Mesa Community Association, a Nevada Non-Profit Corporation (“Sunset”)

J. William Ebert, Esq.  
Lipson Neilson P.C.  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
(702) 382-1500

Respondent’s appellate counsel is unknown at this time but will presumably be Respondent’s current counsel.

Nevada Association Services, Inc (“NAS”)

Brandon E. Wood, Esq.  
6625 S. Valley View Blvd., Suite 300  
Las Vegas, Nevada 89118  
(702) 804-8885

Respondent’s appellate counsel is unknown at this time but will presumably be Respondent’s current counsel.

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):**

1 N/A

2 6. **Indicate whether appellant was represented by appointed or retained counsel in the**  
3 **district court:**

4 Retained counsel.

5 7. **Indicate whether appellant is represented by appointed or retained counsel on appeal:**

6 Retained counsel.

7 8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the**  
8 **date of entry of the district court order granting such leave:**

9 N/A

10 9. **Indicate the date the proceedings commenced in the district court, e.g., date complaint,**  
11 **indictment, information, or petition was filed:**

12 The original Complaint in this matter was filed on February 28, 2019, in the Eighth  
13 Judicial District Court of the State of Nevada in and for Clark County, Nevada, Case No. A-  
14 19-790247-C.

15 10. **Provide a brief description of the nature of the action and result in the district court,**  
16 **including the type of judgment or order being appealed and the relief granted by the**  
17 **district court:**

18 The instant action relates to Saticoy's claim for damages against Sunset and NAS  
19 stemming from an allegation of fraudulent or, alternatively, negligent misrepresentation on  
20 the part of the Sunset and NAS in failing to disclose to Saticoy, upon request, whether or not  
21 a superpriority payment had been made or tendered to Sunset, prior to NAS conducting a  
22 non-judicial foreclosure sale of the real property identified as 6387 Hamilton Grove Avenue,  
23 Las Vegas, Nevada 89122 (APN 161-15-711-008). Saticoy's claims also allege statutory  
24 violations on the part of Sunset and NAS under NRS 116.113 and NRS 113.  
25  
26  
27  
28

After briefing by the Parties, the District Court granted Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss or Alternatively, Motion for Summary Judgment ("Motion") and NAS' Joinder thereto on September 6, 2021. The Notice of Entry of Order Granting the Motion was filed and served on September 16, 2021.

11. **Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:**

N/A.

12. **Indicate whether this appeal involves child custody or visitation:**

N/A

13. **If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

Appellant believes that the possibility of settlement exists.

Dated This October 14, 2021.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/Roger P. Croteau  
Roger P. Croteau, Esq.  
Nevada Bar No. 4958  
2810 W. Charleston Blvd., Suite 75  
Las Vegas, Nevada 89102  
Attorney for Plaintiff Saticoy Bay LLC Series  
6387 Hamilton Grove

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Telephone: (702) 254-7775 • Facsimile (702) 228-7719

**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2021, I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle

An employee of  
ROGER P. CROTEAU & ASSOCIATES, LTD.



**CASE SUMMARY****CASE NO. A-19-790247-C**

Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff  
(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

§  
§  
§  
§  
§

Location: **Department 17**  
Judicial Officer: **Villani, Michael**  
Filed on: **02/28/2019**  
Case Number History:  
Cross-Reference Case Number: **A790247**

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

09/22/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Intentional Misconduct**

Case Status: **09/22/2021 Dismissed**






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

Case Number A-19-790247-C  
Court Department 17  
Date Assigned 09/07/2021  
Judicial Officer Villani, Michael

**PARTY INFORMATION**



<b>Plaintiff</b>	<b>Saticoy Bay, LLC, Series 6387 Hamilton Grove</b>	<i>Lead Attorneys</i> <b>Croteau, Roger P, ESQ</b> <i>Retained</i> 702-254-7775(W)
<b>Defendant</b>	<b>Nevada Association Services, Inc.</b>	<b>Wood, Brandon E.</b> <i>Retained</i> 702-804-8885(W)
	<b>Sunrise Ridge Master Association</b>	<b>Ebert, John William</b> <i>Retained</i> 702-382-1500(W)

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

02/28/2019	 <b>Complaint</b> Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[1] Complaint</i>
02/28/2019	 <b>Initial Appearance Fee Disclosure</b> Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[2] Initial Appearance Fee Disclosure</i>
02/28/2019	 <b>Summons Electronically Issued - Service Pending</b> Party: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[3] Summons - HOA</i>
02/28/2019	 <b>Summons Electronically Issued - Service Pending</b> Party: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[4] Summons</i>
04/15/2019	 <b>Initial Appearance Fee Disclosure</b>













# CASE SUMMARY

CASE NO. A-19-790247-C

	<p>Filed By: Defendant Sunrise Ridge Master Association  <i>[5] Sunrise Ridge Master Homeowners Association's Initial Appearance Fee Disclosure</i></p>
04/15/2019	<p> Motion to Dismiss-Alternative Mtn Partial Summary Judgment            Filed By: Defendant Sunrise Ridge Master Association  <i>[6] Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment</i></p>
04/16/2019	<p> Clerk's Notice of Hearing  <i>[7] Notice of Hearing</i></p>
04/19/2019	<p> Joinder            Filed By: Defendant Nevada Association Services, Inc.  <i>[8] Nevada Association Services, Inc.'s Joinder to Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alertanitively, Partial Motion for Summary Judgment</i></p>
04/19/2019	<p> Initial Appearance Fee Disclosure            Filed By: Defendant Nevada Association Services, Inc.  <i>[9] Initial Appearance Fee Disclosure (NRS Chapter 19)</i></p>
04/29/2019	<p>Administrative Reassignment - Judicial Officer Change  <i>To Judge Jacqueline M. Bluth</i></p>
05/23/2019	<p> Opposition to Motion to Dismiss            Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  <i>[10] Plaintiff's Opposition to Sunrise Ridge Master Homeowners Association Motion to Dismiss</i></p>
06/05/2019	<p> Reply in Support            Filed By: Defendant Sunrise Ridge Master Association  <i>[11] Defendant Sunrise Ridge Master Homeowners Association's Reply In Support of Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment</i></p>
06/05/2019	<p> Stipulation and Order            Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  <i>[12] Stipulation and Order</i></p>
07/08/2020	<p> Notice of Rescheduling of Hearing  <i>[13] Notice of Rescheduling of Status Check</i></p>
08/04/2020	<p> Affidavit of Service            Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  <i>[14] Affidavit of Service-NAS</i></p>
08/04/2020	<p> Affidavit of Service            Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  <i>[15] Affidavit of Service-HOA</i></p>
09/11/2020	<p> Notice of Rescheduling of Hearing  <i>[16] Notice of Rescheduling of Hearing</i></p>
09/17/2020	<p> Stipulation and Order            Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  <i>[17] Stipulation and Order to Continue Hearing</i></p>


# CASE SUMMARY


CASE NO. A-19-790247-C


10/29/2020	 Stipulation and Order <i>[18] Stipulation and Order to Vacate Hearing</i>
05/17/2021	 Order <i>[19] Order Scheduling Status Check</i>
06/17/2021	 Stipulation and Order Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[20] Stipulation and Order to Amend Complaint</i>
06/18/2021	 Status Report Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[21] STATUS REPORT PRIOR TO JUNE 22, 2021 STATUS CHECK</i>
06/21/2021	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[22] Notice of Entry of Stipulation and Order</i>
06/22/2021	 Amended Complaint Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[23] First Amended Complaint</i>
07/06/2021	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Defendant Sunrise Ridge Master Association <i>[24] Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment</i>
07/07/2021	 Clerk's Notice of Hearing <i>[25] Notice of Hearing</i>
07/08/2021	 Joinder Filed By: Defendant Nevada Association Services, Inc. <i>[26] Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment</i>
07/20/2021	 Opposition to Motion to Dismiss Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[27] Opposition to Defendant Sunrise Ridge Master Homeowners' Association Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment and Request for NRCP 56(D) Relief and Nevada Association Services Joinder</i>
08/03/2021	 Reply in Support Filed By: Defendant Sunrise Ridge Master Association <i>[28] Defendant Sunrise Ridge Homeowners' Association's Reply in Support of its Motion to Dismiss, or Alternatively, Motion for Summary Judgment</i>
09/06/2021	 Order Filed By: Defendant Sunrise Ridge Master Association <i>[29] Order Granting Defendant Sunrise Ridge Master Homeowners' Association's Reply in Support of its Motion to Dismiss or Alternatively Motion for Summary Judgment</i>
09/07/2021	Case Reassigned to Department 17 <i>From Judge Jacqueline Bluth to Judge Michael Villani</i>


# CASE SUMMARY


CASE NO. A-19-790247-C

09/13/2021  **Errata**  
 Filed By: Defendant Sunrise Ridge Master Association  
*[30] Errata to Order Granting Defendant Sunrise Ridge Master Homeowners; Association's Reply in Support of its Motion to Dismiss or Alternatively Motion for Summary Judgment*

09/16/2021  **Notice of Entry**  
 Filed By: Defendant Sunrise Ridge Master Association  
*[31] Notice of Entry of Order*

09/22/2021  **Order to Statistically Close Case**  
*[32] Civil Order to Statistically Close Case*


10/14/2021  **Notice of Appeal**  
 Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  
*[33] Notice of Appeal*


10/14/2021  **Case Appeal Statement**  
 Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove  
*[34] Case Appeal Statement*

## **DISPOSITIONS**

09/06/2021 **Order of Dismissal With Prejudice** (Judicial Officer: Villani, Michael)  
 Debtors: Saticoy Bay, LLC, Series 6387 Hamilton Grove (Plaintiff)  
 Creditors: Sunrise Ridge Master Association (Defendant)  
 Judgment: 09/06/2021, Docketed: 09/07/2021

## **HEARINGS**

06/18/2019  **Motion to Dismiss (9:30 AM)** (Judicial Officer: Bluth, Jacqueline M.)  
**06/18/2019, 07/16/2019**  
*Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment*  
 Per Stip and Order filed on or about the 21st day of May, 2019  
 Continued;  
 Stayed;  
 Journal Entry Details:  
*Court Inquired if there would be any prejudice or negative impact with staying this matter to see what happens in Federal Court. Statements by Mr. Croteau noting there would be no prejudice. Ms. Williams stated this would be acceptable with HOA as well. Mr. Wood indicated Nevada Association Services also would not have a problem with the Stay. There being no opposition, COURT ORDERED matter STAYED and set for status check in six months. Court Noted parties to inform the Court when they are ready to proceed with argument and decision. 01/14/19 9:00 AM STATUS CHECK: FEDERAL PROCEEDINGS ;*  
 Per Stip and Order filed on or about the 21st day of May, 2019  
 Continued;  
 Stayed;  
 Journal Entry Details:  
*Ms. Hummel stated opposing counsel had a scheduling error, cannot make it and after speaking with their assistant Mendy requested a continuance to the next available hearing date. COURT ORDERED, matter CONTINUED. Ms. Hummel stated she will let counsel know of the date. 7-16-19 9:30 AM Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment;*

01/14/2020  **Status Check (9:30 AM)** (Judicial Officer: Bluth, Jacqueline M.)  
**01/14/2020, 07/15/2020**  
*Status Check: Federal Proceedings*  
 Matter Heard;  
 Matter Heard;  
 Journal Entry Details:

# CASE SUMMARY

CASE NO. A-19-790247-C

*Mr. Croteau stated the Federal case had resolved and there was a settlement with the bank. Mr. Wong requested to file a Reply. COURT ORDERED, hearing SET for oral arguments on the briefs, 9/15/20 12:00pm.;*

Matter Heard;

Matter Heard;

Journal Entry Details:

*Mr. Crouteau stated the appellant opening brief is due January 24th with the answering brief due February 24th and requested 6 months. COURT ORDERED, matter CONTINUED. 7-14-20 9:30 AM STATUS CHECK: FEDERAL PROCEEDINGS;*

10/07/2020



**Hearing (12:00 PM)** (Judicial Officer: Bluth, Jacqueline M.)

**10/07/2020, 10/14/2020**

*Hearing Re: Motion to Dismiss*

*Stip and Order filed on or about: 9/15/2020*

*Continued;*

*Off Calendar;*

Journal Entry Details:

*Court stated notice was received parties stipulated to vacate this matter and ORDERED, proceedings OFF CALENDAR. ;*

*Stip and Order filed on or about: 9/15/2020*

*Continued;*

*Off Calendar;*

Journal Entry Details:

*Due to conflicts with today's scheduled hearing time, COURT ORDERED, matter CONTINUED one week. CONTINUED TO 10/14/2020 - 12:00 PM;*

06/22/2021



**Status Check: Status of Case (9:30 AM)** (Judicial Officer: Bluth, Jacqueline M.)

*Status Check: Stay*

Matter Heard;

Journal Entry Details:

*Mr. Pawlowski stated the Amended Complaint will be filed today or tomorrow and the stay has been lifted in the Federal Court case; further, no party has filed an Answer at this point. Upon Court's inquiry, counsel stated they may want to wait to file an Early Case Conference Report until after the dispositive motions are heard. COURT ORDERED, case is to proceed in the normal course.;*

08/10/2021

**Motion to Dismiss (9:30 AM)** (Judicial Officer: Cherry, Michael A.)

*Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment*

*Granted;*

08/10/2021

**Joinder (9:30 AM)** (Judicial Officer: Cherry, Michael A.)

*Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment*

*Granted;*

08/10/2021



**All Pending Motions (9:30 AM)** (Judicial Officer: Cherry, Michael A.)

Matter Heard;

Journal Entry Details:

*DEFENDANT SUNRISE RIDE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC'S JOINDER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT Following argument and statements by counsel, COURT ORDERED motion to be treated as a Motion to Dismiss, and is GRANTED under the pre- 2015 version of NRS 116 the HOA nor the NAS had an affirmative duty to disclose the existence of payments and/or attempted payment on the HOA's lien. COURT FURTHER ORDERED, the Court's reading of the prior decisions the Court can treat this as Motion to Dismiss and not a Motion for Summary Judgment and there is no Breach of Duty of Good Faith, Unjust Enrichment, Conspiracy or Punitive Damages. COURT INSTRUCTED Mr. Wong to prepare the order and submit it to the Court.;*

**CASE SUMMARY****CASE NO. A-19-790247-C**

FINANCIAL INFORMATION

DATE

**Defendant** Nevada Association Services, Inc.

Total Charges

223.00

Total Payments and Credits

223.00

**Balance Due as of 10/18/2021****0.00****Defendant** Sunrise Ridge Master Association

Total Charges

623.00

Total Payments and Credits

623.00

**Balance Due as of 10/18/2021****0.00****Plaintiff** Saticoy Bay, LLC, Series 6387 Hamilton Grove

Total Charges

294.00

Total Payments and Credits

294.00

**Balance Due as of 10/18/2021****0.00**

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 6

Case No.

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Saticoy Bay, LLC, Series 6387 Hamilton Grove c/o Roger P. Croteau & Associates, Ltd 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102	Defendant(s) (name/address/phone): Sunrise Ridge aka Sunrise Ridge Master HOA Nevada Association Services, Inc.
Attorney (name/address/phone): Roger P. Croteau, Esq. (SBN 4958) 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102 702-254-7775	Attorney (name/address/phone):

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

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

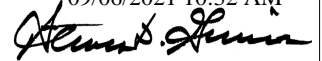
Business Court filings should be filed using the Business Court civil coversheet.

2/28/19

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

LIPSON NEILSON P.C.  
J. WILLIAM EBERT, ESQ.  
Nevada Bar No. 2697  
JONATHAN K. WONG, ESQ.  
Nevada Bar No. 13621  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
(702) 382-1500 - Telephone  
(702) 382-1512 - Facsimile  
[bebert@lipsonneilson.com](mailto:bebert@lipsonneilson.com)  
[jwong@lipsonneilson.com](mailto:jwong@lipsonneilson.com)

*Attorneys for Defendant,  
Sunrise Ridge Master Homeowners Association*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

SATICOY BAY, LLC, SERIES 6387  
HAMILTON, a Nevada limited liability  
company,

Plaintiff,

vs.

SUNRISE RIDGE MASTER  
HOMEOWNERS' ASSOCIATION, a  
Nevada non-profit corporation; and  
NEVADA ASSOCIATION SERVICES,  
INC., a Nevada corporation;

Defendants.

Case No.: A-19-790247-C  
Dept.: VI

**ORDER GRANTING DEFENDANT  
SUNRISE RIDGE MASTER  
HOMEOWNERS' ASSOCIATION'S  
REPLY IN SUPPORT OF ITS MOTION  
TO DISMISS, OR ALTERNATIVELY,  
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: August 10, 2021  
Hearing Time: 9:30 a.m.

On August 10, 2021, Defendant Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment ("Motion") came before the Court for hearing. Roger P. Croteau, Esq., appeared on behalf of Plaintiff, and Jonathan K. Wong, Esq., appeared on behalf of defendant Sunrise Ridge Master Homeowners Association (the "HOA"). The Court, having reviewed all moving papers and pleadings, having heard oral argument of counsel, and for good cause appearing therefor, FINDS AND ORDERS as follows:

\\



**FINDINGS OF FACT**

1. On or about September 9, 2009, Salvador Partida Castillo and Veronica Delgado (the "Former Owners") obtained a loan to purchase real property located at 6387 Hamilton Grove Ave., Las Vegas, Nevada 89122 (APN 161-15-711-008) (the "Property").

2. The Property was subject to the HOA's Covenants, Conditions, and Restrictions ("CC&Rs").

3. Sometime after purchasing the Property, the Former Owners defaulted on their homeowners' assessments.

4. On December 27, 2012, Nevada Association Services ("NAS"), on behalf of Sunrise Ridge Master Homeowners Association ("Sunrise Ridge"), recorded a Notice of Claim of Delinquent Assessment Lien.

5. On January 9, 2014, NAS, on behalf of Sunrise Ridge, recorded a Notice of Default and Election to Sell.

6. At some point prior to the recordation of the Notice of Foreclosure Sale, Bank of America ("BANA"), through counsel Miles, Bauer, Bergstrom & Winters, LLP ("Miles Bauer") contacted NAS and the HOA and requested a breakdown of nine (9) months of common HOA assessments in order to calculate the Super Priority Lien Amount.

7. On September 26, 2013, BANA, through Miles Bauer, provided a payment of \$378.00 to NAS (the "Attempted Payment"). NAS, on behalf of Sunrise Ridge, rejected BANA's attempted payment of \$378.00.

8. On May 20, 2014, NAS, on behalf of Sunrise Ridge, recorded a Notice of Foreclosure Sale against the Property.

9. On July 11, 2014, NAS conducted the non-judicial foreclosure sale on the Property (the "Foreclosure Sale") and recorded the Foreclosure Deed, which indicated that NAS sold the HOA's interest in the Property to Plaintiff for the highest bid amount of \$22,100.00.

10. On February 26, 2016, BANA filed a lawsuit against Sunrise Ridge, NAS, and Plaintiff in the United States District Court, District of Nevada, Case No. 2:16-cv-00408-RFB-PAL (the "Federal Action"). The complaint alleged causes of action for Quiet Title/Declaratory Judgment, Breach of NRS 116.1113, Wrongful Foreclosure, and Injunctive Relief.

11. On February 28, 2019, Saticoy Bay filed the instant lawsuit against Sunrise Ridge and NAS, alleging cause of action for Intentional/Negligent Misrepresentation, Breach of NRS 116, and Conspiracy.

12. On July 16, 2019, this matter was stayed for six months pending resolution of proceedings in the Federal Action.

13. On July 15, 2020, the stay was lifted. The parties in this matter stipulated to allow Plaintiff to file an amended complaint.

14. On June 22, 2021, Plaintiff filed its First Amended Complaint (the "FAC"), asserting claims for 1) Intentional/Negligent Misrepresentation; 2) Breach of NRS 116.1113; 3) Conspiracy; 4) Violation of NRS 113; and 5) Unjust Enrichment.

15. Any finding of fact that should be a conclusion of law shall be treated as such.

### **CONCLUSIONS OF LAW**

1. The Court reviews Sunrise Ridge's Motion under Rule 12(b)(5) of the Nevada Rules of Civil Procedure ("NRCP"). NRCP 12(b)(5) provides that a complaint may be dismissed for "failure to state a claim upon which relief can be granted." Nev. R. Civ. P. 12(b)(5). When ruling on such a motion, the factual allegations in the complaint are treated as true and all inferences are drawn in favor of the plaintiff. *Jacobs v. Adelson*, 130 Nev. Adv. Op. 44, 325 P.3d 1282, 1285 (2014). A complaint should be dismissed when the allegations are insufficient to entitle the plaintiff to relief. *Id.*

2. Nevada has adopted the Uniform Common Interest Owner Act through Nevada Revised Statutes ("NRS") Chapter 116.

\\

1           3.       NRS 116 establishes that homeowners' associations ("HOA" or "HOAs")  
2 may impose assessments. See NRS 116.3115.

3           4.       NRS 116 establishes that HOAs have a lien against units for  
4 assessments. See generally NRS 116.3116.

5           5.       Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

6           6.       Under the version of NRS 116 in effect at the time of the Foreclosure Sale,  
7 neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders  
8 the existence of payments or attempted payments on the HOA's lien.

9           7.       Under Nevada law, intentional misrepresentation requires three elements:  
10 "(1) a false representation that is made with either knowledge or belief that it is false or  
11 without a sufficient foundation, (2) an intent to induce another's reliance, and (3)  
12 damages that result from this reliance." *Nelson v. Heer*, 123 Nev. 217, 225-26, 163 P.3d  
13 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law  
14 requires a plaintiff to show that the defendant is "one who, without exercising  
15 reasonable care or competence, 'supplies false information for the guidance of others in  
16 their business transactions' is liable for 'pecuniary loss caused to them by their  
17 justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441,  
18 449, 956 P.2d 1382, 1387 (1998) (citations omitted).

19           8.       Neither Sunrise Ridge nor NAS had an affirmative duty to disclose to  
20 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*  
21 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was  
22 appropriate on the plaintiff's negligent misrepresentation claim because the HOA  
23 "neither made an affirmative false statement nor omitted a material fact it was bound to  
24 disclose.").

25           9.       As such, the only way a misrepresentation could have been made would  
26 be for Plaintiff to have specifically inquired about whether payment was made on the  
27 HOA's lien, and in response be advised specifically that no such payments had been  
28 made.

1 Here, Plaintiff does not allege that Defendants made any active  
2 misrepresentation; rather, he alleges only that Defendants are guilty of a material  
3 omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry."  
4 This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

5 10. Because there was no misrepresentation – neither intentional nor  
6 negligent – Plaintiff's remaining causes of action necessarily fail to state claims upon  
7 which relief can be granted.

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**ORDER**

In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion is GRANTED pursuant to Nevada Rule of Civil Procedure ("NRCP") 12(b)(5), and that Plaintiff's Complaint is dismissed with prejudice and judgment entered thereon.

Dated this 6th day of September, 2021



NH

7E8 682 40D8 0DBB  
Jacqueline M. Bluth  
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

*/s/ Jonathan K. Wong*

J. WILLIAM EBERT, ESQ.  
Nevada Bar No. 2697  
JONATHAN K. WONG, ESQ.  
Nevada Bar No. 13621  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
*Attorneys for Defendant*

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

*/s/ Christopher L. Benner*

ROGER P. CROTEAU, ESQ.  
Nevada Bar No. 4958  
CHRISTOPHER L. BENNER, ESQ.  
Nevada Bar No. 8963  
2810 W. Charleston Blvd., Ste. 75  
Las Vegas, Nevada 89148  
*Attorney for Plaintiff*

## Sydney Ochoa

---

**From:** Chris Benner <chris@croteaulaw.com>  
**Sent:** Friday, August 27, 2021 2:12 PM  
**To:** Jonathan Wong; Roger Croteau  
**Subject:** RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Okay, if there was no discussion of 56(d), I would infer it was moot. You can use my e-signature.

**Christopher L. Benner, Esq.**  
**Roger P. Croteau & Associates**  
**2810 Charleston Boulevard, No. H-75**  
**Las Vegas, NV 89102**  
**(702) 254-7775**  
[chris@croteaulaw.com](mailto:chris@croteaulaw.com)

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---

**From:** Jonathan Wong <JWong@lipsonneilson.com>  
**Sent:** Friday, August 27, 2021 2:07 PM  
**To:** Chris Benner <chris@croteaulaw.com>; Roger Croteau <rcroteau@croteaulaw.com>  
**Subject:** RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Hi Chris –

The judge granted on the basis of Rule 12(b)(5) and not Rule 56, so the request for 56(d) relief never came into play. That's why it wasn't mentioned in my draft order.

That being the case, please let me know if you are OK with us submitting this order to the court without discussion of 56(d) relief. Thanks.

**Jonathan K. Wong, Esq.**  
**Lipson Neilson P.C.**  
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Las Vegas, Nevada 89144-7052  
(702) 382-1500  
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Website: [www.lipsonneilson.com](http://www.lipsonneilson.com)

---

**From:** Chris Benner <[chris@croteaulaw.com](mailto:chris@croteaulaw.com)>  
**Sent:** Friday, August 27, 2021 10:48 AM  
**To:** Jonathan Wong <[JWong@lipsonneilson.com](mailto:JWong@lipsonneilson.com)>; Roger Croteau <[rcroteau@croteaulaw.com](mailto:rcroteau@croteaulaw.com)>  
**Subject:** RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Saticoy Bay, LLC, Series 6387  
Hamilton Grove, Plaintiff(s)

CASE NO: A-19-790247-C

7 vs.

DEPT. NO. Department 17

8  
9 Sunrise Ridge Master  
Association, Defendant(s)

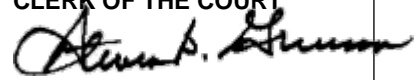
10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 9/6/2021

16 J. William Ebert	bebert@lipsonneilson.com
17 Susana Nutt	snutt@lipsonneilson.com
18 Brandon Wood	brandon@nas-inc.com
19 Roger Croteau	croteaulaw@croteaulaw.com
20 Susan Moses	susanm@nas-inc.com
21 Croteau Admin	receptionist@croteaulaw.com
22 Sydney Ochoa	sochoa@lipsonneilson.com
23 Jonathan Wong	jwong@lipsonneilson.com
24 Juan Cerezo	jcerezo@lipsonneilson.com

25  
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LIPSON NEILSON P.C.  
J. WILLIAM EBERT, ESQ.  
Nevada Bar No. 2697  
JONATHAN K. WONG, ESQ.  
Nevada Bar No. 13621  
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[bebert@lipsonneilson.com](mailto:bebert@lipsonneilson.com)  
[jwong@lipsonneilson.com](mailto:jwong@lipsonneilson.com)

*Attorneys for Defendant,  
Sunrise Ridge Master Homeowners Association*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

SATICOY BAY, LLC, SERIES 6387  
HAMILTON, a Nevada limited liability  
company,

Plaintiff,

vs.

SUNRISE RIDGE MASTER  
HOMEOWNERS' ASSOCIATION, a  
Nevada non-profit corporation; and  
NEVADA ASSOCIATION SERVICES,  
INC., a Nevada corporation;

Defendants.

Case No.: A-19-790247-C  
Dept.: VI

**NOTICE OF ENTRY OF ORDER**

\\

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\\



1 PLEASE TAKE NOTICE that the **ORDER GRANTING DEFENDANT SUNRISE**  
2 **RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR**  
3 **ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT** was filed with the court this 6<sup>th</sup>  
4 day of September, 2021, a true and correct copy of which is attached hereto.

5 DATED this 16<sup>th</sup> day of September, 2021.

6 LIPSON NEILSON P.C.

7 */s/ Jonathan K. Wong*

8  
9 J. WILLIAM EBERT, ESQ.  
10 Nevada Bar No. 2697  
11 JONATHAN K. WONG, ESQ.  
12 Nevada Bar No. 13621  
13 9900 Covington Cross Drive, Suite 120  
14 Las Vegas, Nevada 89144  
15 *Attorneys for Defendant*  
16  
17  
18  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 16<sup>th</sup> day of September, 2021, I electronically served the foregoing **NOTICE OF ENTRY OF ORDER** to the following parties utilizing the Court's E-File/ServeNV System:

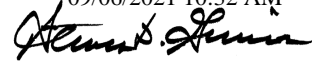
ROGER P. CROTEAU, ESQ.  
Nevada Bar No. 4958  
CHRISTOPHER L. BENNER, ESQ.  
Nevada Bar No. 8963  
ROGER P. CROTEAU &  
ASSOCIATES, LTD.  
2810 W. Charleston Blvd., Ste. 75  
Las Vegas, Nevada 89148

*Attorney for Plaintiff*

*/s/ Sydney Ochoa*

---

An Employee of LIPSON NEILSON P.C.



CLERK OF THE COURT

LIPSON NEILSON P.C.  
J. WILLIAM EBERT, ESQ.  
Nevada Bar No. 2697  
JONATHAN K. WONG, ESQ.  
Nevada Bar No. 13621  
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*Attorneys for Defendant,  
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SUNRISE RIDGE MASTER  
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INC., a Nevada corporation;

Defendants.

Case No.: A-19-790247-C  
Dept.: VI

**ORDER GRANTING DEFENDANT  
SUNRISE RIDGE MASTER  
HOMEOWNERS' ASSOCIATION'S  
REPLY IN SUPPORT OF ITS MOTION  
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MOTION FOR SUMMARY JUDGMENT**

Hearing Date: August 10, 2021  
Hearing Time: 9:30 a.m.

On August 10, 2021, Defendant Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment ("Motion") came before the Court for hearing. Roger P. Croteau, Esq., appeared on behalf of Plaintiff, and Jonathan K. Wong, Esq., appeared on behalf of defendant Sunrise Ridge Master Homeowners Association (the "HOA"). The Court, having reviewed all moving papers and pleadings, having heard oral argument of counsel, and for good cause appearing therefor, FINDS AND ORDERS as follows:

\\

**FINDINGS OF FACT**

1. On or about September 9, 2009, Salvador Partida Castillo and Veronica Delgado (the "Former Owners") obtained a loan to purchase real property located at 6387 Hamilton Grove Ave., Las Vegas, Nevada 89122 (APN 161-15-711-008) (the "Property").

2. The Property was subject to the HOA's Covenants, Conditions, and Restrictions ("CC&Rs").

3. Sometime after purchasing the Property, the Former Owners defaulted on their homeowners' assessments.

4. On December 27, 2012, Nevada Association Services ("NAS"), on behalf of Sunrise Ridge Master Homeowners Association ("Sunrise Ridge"), recorded a Notice of Claim of Delinquent Assessment Lien.

5. On January 9, 2014, NAS, on behalf of Sunrise Ridge, recorded a Notice of Default and Election to Sell.

6. At some point prior to the recordation of the Notice of Foreclosure Sale, Bank of America ("BANA"), through counsel Miles, Bauer, Bergstrom & Winters, LLP ("Miles Bauer") contacted NAS and the HOA and requested a breakdown of nine (9) months of common HOA assessments in order to calculate the Super Priority Lien Amount.

7. On September 26, 2013, BANA, through Miles Bauer, provided a payment of \$378.00 to NAS (the "Attempted Payment"). NAS, on behalf of Sunrise Ridge, rejected BANA's attempted payment of \$378.00.

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1           10.       On February 26, 2016, BANA filed a lawsuit against Sunrise Ridge, NAS,  
2 and Plaintiff in the United States District Court, District of Nevada, Case No. 2:16-cv-  
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4 Quiet Title/Declaratory Judgment, Breach of NRS 116.1113, Wrongful Foreclosure, and  
5 Injunctive Relief.

6           11.       On February 28, 2019, Saticoy Bay filed the instant lawsuit against  
7 Sunrise Ridge and NAS, alleging cause of action for Intentional/Negligent  
8 Misrepresentation, Breach of NRS 116, and Conspiracy.

9           12.       On July 16, 2019, this matter was stayed for six months pending  
10 resolution of proceedings in the Federal Action.

11           13.       On July 15, 2020, the stay was lifted. The parties in this matter stipulated  
12 to allow Plaintiff to file an amended complaint.

13           14.       On June 22, 2021, Plaintiff filed its First Amended Complaint (the "FAC"),  
14 asserting claims for 1) Intentional/Negligent Misrepresentation; 2) Breach of NRS  
15 116.1113; 3) Conspiracy; 4) Violation of NRS 113; and 5) Unjust Enrichment.

16           15.       Any finding of fact that should be a conclusion of law shall be treated as  
17 such.

### 18                                   **CONCLUSIONS OF LAW**

19           1.       The Court reviews Sunrise Ridge's Motion under Rule 12(b)(5) of the  
20 Nevada Rules of Civil Procedure ("NRCP"). NRCP 12(b)(5) provides that a complaint  
21 may be dismissed for "failure to state a claim upon which relief can be granted." Nev. R.  
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25 dismissed when the allegations are insufficient to entitle the plaintiff to relief. *Id.*

26           2.       Nevada has adopted the Uniform Common Interest Owner Act through  
27 Nevada Revised Statutes ("NRS") Chapter 116.

28       \\\

1           3.     NRS 116 establishes that homeowners' associations ("HOA" or "HOAs")  
2 may impose assessments. See NRS 116.3115.

3           4.     NRS 116 establishes that HOAs have a lien against units for  
4 assessments. See generally NRS 116.3116.

5           5.     Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

6           6.     Under the version of NRS 116 in effect at the time of the Foreclosure Sale,  
7 neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders  
8 the existence of payments or attempted payments on the HOA's lien.

9           7.     Under Nevada law, intentional misrepresentation requires three elements:  
10 "(1) a false representation that is made with either knowledge or belief that it is false or  
11 without a sufficient foundation, (2) an intent to induce another's reliance, and (3)  
12 damages that result from this reliance." *Nelson v. Heer*, 123 Nev. 217, 225-26, 163 P.3d  
13 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law  
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16 their business transactions' is liable for 'pecuniary loss caused to them by their  
17 justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441,  
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19           8.     Neither Sunrise Ridge nor NAS had an affirmative duty to disclose to  
20 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*  
21 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was  
22 appropriate on the plaintiff's negligent misrepresentation claim because the HOA  
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26 be for Plaintiff to have specifically inquired about whether payment was made on the  
27 HOA's lien, and in response be advised specifically that no such payments had been  
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1 Here, Plaintiff does not allege that Defendants made any active  
2 misrepresentation; rather, he alleges only that Defendants are guilty of a material  
3 omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry."  
4 This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

5 10. Because there was no misrepresentation – neither intentional nor  
6 negligent – Plaintiff's remaining causes of action necessarily fail to state claims upon  
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**ORDER**

In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion is GRANTED pursuant to Nevada Rule of Civil Procedure ("NRCP") 12(b)(5), and that Plaintiff's Complaint is dismissed with prejudice and judgment entered thereon.

Dated this 6th day of September, 2021



NH

7E8 682 40D8 0DBB  
Jacqueline M. Bluth  
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

*/s/ Jonathan K. Wong*

J. WILLIAM EBERT, ESQ.  
Nevada Bar No. 2697  
JONATHAN K. WONG, ESQ.  
Nevada Bar No. 13621  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
*Attorneys for Defendant*

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

*/s/ Christopher L. Benner*

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Nevada Bar No. 4958  
CHRISTOPHER L. BENNER, ESQ.  
Nevada Bar No. 8963  
2810 W. Charleston Blvd., Ste. 75  
Las Vegas, Nevada 89148  
*Attorney for Plaintiff*



## Sydney Ochoa

---

**From:** Chris Benner <chris@croteaulaw.com>  
**Sent:** Friday, August 27, 2021 2:12 PM  
**To:** Jonathan Wong; Roger Croteau  
**Subject:** RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Okay, if there was no discussion of 56(d), I would infer it was moot. You can use my e-signature.

**Christopher L. Benner, Esq.**  
**Roger P. Croteau & Associates**  
**2810 Charleston Boulevard, No. H-75**  
**Las Vegas, NV 89102**  
**(702) 254-7775**  
[chris@croteaulaw.com](mailto:chris@croteaulaw.com)

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Hi Chris –

The judge granted on the basis of Rule 12(b)(5) and not Rule 56, so the request for 56(d) relief never came into play. That's why it wasn't mentioned in my draft order.

That being the case, please let me know if you are OK with us submitting this order to the court without discussion of 56(d) relief. Thanks.

**Jonathan K. Wong, Esq.**  
**Lipson Neilson P.C.**  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144-7052  
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Website: [www.lipsonneilson.com](http://www.lipsonneilson.com)

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**From:** Chris Benner <[chris@croteaulaw.com](mailto:chris@croteaulaw.com)>  
**Sent:** Friday, August 27, 2021 10:48 AM  
**To:** Jonathan Wong <[JWong@lipsonneilson.com](mailto:JWong@lipsonneilson.com)>; Roger Croteau <[rcroteau@croteaulaw.com](mailto:rcroteau@croteaulaw.com)>  
**Subject:** RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Saticoy Bay, LLC, Series 6387  
Hamilton Grove, Plaintiff(s)

CASE NO: A-19-790247-C

7 vs.

DEPT. NO. Department 17

8  
9 Sunrise Ridge Master  
Association, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 9/6/2021

16 J. William Ebert	bebert@lipsonneilson.com
17 Susana Nutt	snutt@lipsonneilson.com
18 Brandon Wood	brandon@nas-inc.com
19 Roger Croteau	croteaulaw@croteaulaw.com
20 Susan Moses	susanm@nas-inc.com
21 Croteau Admin	receptionist@croteaulaw.com
22 Sydney Ochoa	sochoa@lipsonneilson.com
23 Jonathan Wong	jwong@lipsonneilson.com
24 Juan Cerezo	jcerezo@lipsonneilson.com

25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**June 18, 2019**

---

A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**June 18, 2019**

**9:30 AM**

**Motion to Dismiss**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:** Hummel, Megan

Attorney

**JOURNAL ENTRIES**

- Ms. Hummel stated opposing counsel had a scheduling error, cannot make it and after speaking with their assistant Mendy requested a continuance to the next available hearing date. COURT ORDERED, matter CONTINUED. Ms. Hummel stated she will let counsel know of the date.

7-16-19 9:30 AM Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**July 16, 2019**

---

A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**July 16, 2019**

**9:30 AM**

**Motion to Dismiss**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed  
Nylasia Packer

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Croteau, Roger P, ESQ      Attorney  
                         Williams, Amber M      Attorney  
                         Wood, Brandon E.      Attorney

**JOURNAL ENTRIES**

- Court Inquired if there would be any prejudice or negative impact with staying this matter to see what happens in Federal Court. Statements by Mr. Croteau noting there would be no prejudice. Ms. Williams stated this would be acceptable with HOA as well. Mr. Wood indicated Nevada Association Services also would not have a problem with the Stay. There being no opposition, COURT ORDERED matter STAYED and set for status check in six months. Court Noted parties to inform the Court when they are ready to proceed with argument and decision.

01/14/19 9:00 AM STATUS CHECK: FEDERAL PROCEEDINGS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**January 14, 2020**

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A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**January 14, 2020      9:30 AM      Status Check**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Croteau, Roger P, ESQ      Attorney  
Wong, Jonathan K.      Attorney

**JOURNAL ENTRIES**

- Mr. Crouteau stated the appellant opening brief is due January 24th with the answering brief due February 24th and requested 6 months. COURT ORDERED, matter CONTINUED.

7-14-20 9:30 AM STATUS CHECK: FEDERAL PROCEEDINGS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**July 15, 2020**

---

A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**July 15, 2020      12:00 AM      Status Check**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Alice Jacobson

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Croteau, Roger P, ESQ      Attorney  
Wong, Jonathan K.      Attorney

**JOURNAL ENTRIES**

- Mr. Croteau stated the Federal case had resolved and there was a settlement with the bank. Mr. Wong requested to file a Reply. COURT ORDERED, hearing SET for oral arguments on the briefs, 9/15/20 12:00pm.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**October 07, 2020**

---

A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**October 07, 2020      12:00 AM      Hearing**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Due to conflicts with today's scheduled hearing time, COURT ORDERED, matter CONTINUED one week.

CONTINUED TO 10/14/2020 - 12:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**October 14, 2020**

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A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**October 14, 2020      12:00 AM      Hearing**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Court stated notice was received parties stipulated to vacate this matter and ORDERED, proceedings OFF CALENDAR.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**June 22, 2021**

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A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

---

**June 22, 2021**

**9:30 AM**

**Status Check: Status of  
Case**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kristen Brown

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Pawlowski, Matthew P.      Attorney  
                         Wong, Jonathan K.      Attorney  
                         Wood, Brandon E.      Attorney

**JOURNAL ENTRIES**

- Mr. Pawlowski stated the Amended Complaint will be filed today or tomorrow and the stay has been lifted in the Federal Court case; further, no party has filed an Answer at this point. Upon Court's inquiry, counsel stated they may want to wait to file an Early Case Conference Report until after the dispositive motions are heard. COURT ORDERED, case is to proceed in the normal course.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Intentional Misconduct**

**COURT MINUTES**

**August 10, 2021**

---

A-19-790247-C      Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)  
vs.  
Sunrise Ridge Master Association, Defendant(s)

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**August 10, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Michelle Jones

**RECORDER:** Gail Reiger

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT SUNRISE RIDE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC'S JOINER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT

Following argument and statements by counsel, COURT ORDERED motion to be treated as a Motion to Dismiss, and is GRANTED under the pre- 2015 version of NRS 116 the HOA nor the NAS had an affirmative duty to disclose the existence of payments and/or attempted payment on the HOA's lien. COURT FURTHER ORDERED, the Court's reading of the prior decisions the Court can treat this as Motion to Dismiss and not a Motion for Summary Judgment and there is no Breach of Duty of Good Faith, Unjust Enrichment, Conspiracy or Punitive Damages. COURT INSTRUCTED Mr. Wong to prepare the order and submit it to the Court.



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

**ROGER P. CROTEAU, ESQ.**  
**2810 W. CHARLESTON BLVD., STE. 75**  
**LAS VEGAS, NV 89102**

**DATE: October 18, 2021**  
**CASE: A-19-790247-C**

**RE CASE:** SATICOY BAY, LLC, SERIES 6387 HAMILTON GROVE vs. SUNRISE RIDGE MASTER ASSOCIATION; MASTER ASSOCIATION SERVICES, INC.

NOTICE OF APPEAL FILED: October 14, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

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

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

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

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY, LLC, SERIES 6387  
HAMILTON GROVE,

Plaintiff(s),

vs.

SUNRISE RIDGE MASTER ASSOCIATION;  
MASTER ASSOCIATION SERVICES, INC.,

Defendant(s),

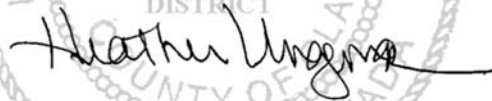
Case No: A-19-790247-C

Dept No: XVII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 18 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

