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*Attorneys for Appellants James M. Rhodes  
and EB Acquisitions, LLC*

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

JAMES M. RHODES, individually and as  
President of EB ACQUISITIONS, LLC, EB  
ACQUISITIONS, LLC, a Nevada Limited  
Liability Company, DOES I through X,  
inclusive, and ROE CORPORATIONS I  
through X, inclusive,

Appellants,

v.

ELIOT A. ALPER, an individual, and as  
Trustee of THE ELIOT A. ALPER  
REVOCABLE TRUST DATED MARCH  
22, 1999, and SUSAN J. VERMILLION, an  
individual, and as Trustee of SUSAN J.  
VERMILLION SEPARATE PROPERTY  
TRUST DATED APRIL 24, 1997,

Respondents.

Electronically Filed  
May 11 2022 11:35 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court Case No. 83675**

District Court Case No. A804338

**STIPULATION AND ORDER TO  
DISMISS APPEAL**

Appellants James M. Rhodes, both individually and as President of EB Acquisitions, LLC  
("Rhodes"), and EB Acquisitions, LLC ("EB Acquisitions") (together, "Appellants"), and  
Respondents Eliot A. Alper, individually and as Trustee of The Eliot A. Alper Revocable Trust  
Dated March 22, 1999 ("Alper"), and Susan J. Vermillion, individually and as Trustee of Susan J.

Vermillion Separate Property Trust Dated April 24, 1997 ("Vermillion") (together, "Respondents") (collectively, the "Parties"), by and through their undersigned counsel of record, hereby stipulate and agree to the following:

1. On October 25, 2021, Appellants filed a Notice of Appeal in the underlying District Court case.

2. Shortly thereafter, on October 26, 2021, this matter was assigned to the Settlement Program.

3. A mediation was subsequently held on January 25, 2022 with Paul M. Haire, Esq. acting as settlement judge. The Parties, however, were unable to agree to a settlement at that time.

4. Since the January 25, 2022 mediation, the Parties have continued to negotiate a potential settlement.

5. As the result of their continued negotiations, the Parties recently reached a settlement.

6. In light of their settlement, the Parties have stipulated and agreed to dismiss the Appeal in its entirety, with each party to bear their own attorneys' fees and costs.

DATED this 11th day of May, 2022.

DATED this 11th day of May, 2022.

SEMENZA KIRCHER RICKARD

LEWIS ROCA ROTHGERBER CHRISTIE  
LLP

/s/ Lawrence J. Semenza, III

/s/ Ogonna M. Brown

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**ORDER**

Based upon the foregoing Stipulation,

**IT IS HEREBY ORDERED** that this Appeal be dismissed in its entirety, with each party bearing its own attorneys' fees and costs.

Respectfully Submitted By:

SEMENZA KIRCHER RICKARD

/s/ Lawrence J. Semenza, III

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*Attorneys for Appellants*

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**From:** Brown, Ogonna <[OBrown@lewisroca.com](mailto:OBrown@lewisroca.com)>  
**Sent:** Tuesday, May 10, 2022 11:59 AM  
**To:** Lawrence J. Semenza, III <[ljs@skrlawyers.com](mailto:ljs@skrlawyers.com)>  
**Cc:** Lord, Nicole <[NLord@lewisroca.com](mailto:NLord@lewisroca.com)>; Lopez, Kim <[KLopez@lewisroca.com](mailto:KLopez@lewisroca.com)>  
**Subject:** RE: Rhodes Stipulation to Dismiss Appeal

Hi LJ:

Looks good, thanks. Please affix my electronic signature.

Ogonna Brown  
Partner

[OBrown@lewisroca.com](mailto:OBrown@lewisroca.com)  
D. 702.474.2622

**LEWIS  ROCA**

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**From:** Lawrence J. Semenza, III <[ljs@skrlawyers.com](mailto:ljs@skrlawyers.com)>  
**Sent:** Tuesday, May 10, 2022 7:14 AM  
**To:** Brown, Ogonna <[OBrown@lewisroca.com](mailto:OBrown@lewisroca.com)>  
**Cc:** Lawrence J. Semenza, III <[ljs@skrlawyers.com](mailto:ljs@skrlawyers.com)>  
**Subject:** Rhodes Stipulation to Dismiss Appeal

**[EXTERNAL]**

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Ogonna, attached is a draft stipulation to dismiss the appeal. Please let me know if is acceptable and if we can affix your electronic signature (assuming of course that electronic signatures are acceptable for Supreme Court stipulations). L.J.

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To ensure compliance with the requirements imposed by the IRS, we inform you that any federal tax