



Electronically Filed  
Dec 21 2021 09:34 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**OPPS**

ANDREW WASIELEWSKI, ESQ.  
Nevada Bar No. 6161  
THE WASIELEWSKI LAW FIRM, LTD.  
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Las Vegas, NV 89123  
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Fax: (702) 548-9684  
Email: andrew@wazlaw.com  
Attorney for Defendants  
Margaret Reddy, Mohan Thalamarla, Max Global, Inc.

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, STATE OF NEVADA

MEDAPPEAL, LLC, An Illinois  
Limited Liability Company,

Case No. A-19-792836-C  
Dept No. XIV

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN THALAMARLA,  
KEVIN BROWN, MAX GLOBAL, INC.,  
VISIONARY BUSINESS BROKERS, LLC,  
MEDASSET CORPORATION, AND DOES 1-  
50.

Hearing Not Requested

Defendants.

And related counterclaim

And related third party complaint

**DEFENDANTS' OPPOSITION TO MOTION FOR ATTORNEY'S FEES**

COMES NOW, Defendants MARGARET REDDY, MOHAN THALAMARLA and MAX  
GLOBAL, INC, through their counsel of record ANDREW WASIELEWSKI, ESQ.  
of the law firm of THE WASIELEWSKI LAW FIRM, LTD., and hereby oppose  
Plaintiff's Motion for Attorney's Fees, pursuant to NRCP 12, NRCP 54

1 and NRS 86. These defendants have not done anything to warrant a  
2 judgment, much less attorney's fees against them.

3 This Motion is made and based upon the Points and Authorities  
4 and exhibits set forth hereinbelow, all of the pleadings and papers  
5 on file with this Court, and any arguments of counsel made at any  
6 hearing of this matter.

### 7 8 FACTS

#### 9 I.

10 This case was originally filed and then amended with the idea  
11 that there should be a recovery against these Defendants for a  
12 contract that was breached. However, what this Plaintiff failed to  
13 state is that Plaintiff is not authorized to do business in Nevada  
14 nor file any lawsuits in Nevada. To the extent that Plaintiff  
15 continues to pursue this and incur additional litigation expenses  
16 while knowing:

17 A) it never had any minimum contacts with Nevada

18 B) it intentionally never filed for a business license to do  
19 business in Nevada

20 C) pursuing a judgment wrongfully gained against Defendants,  
21 knowing these Defendants have no connection with this Plaintiff on  
22 any level

23 is continued grounds for pursuing an independent action against this  
24 Plaintiff and its manager.

25 Defendants know that this Court has no longer the jurisdiction  
26 to rule on its Huneycutt motion filed at the end of July. However,  
27 Defendants request of this Court to suspend all continued litigation  
28 of this matter pending the outcome of the Huneycutt motion on  
October 10, 2021 and the ensuing appeal.

1 Even if this litigation were authorized and allowable, the  
2 Defendants have done nothing in this case other than to produce  
3 evidence of lack of subject and personal jurisdiction and respond  
4 appropriately to discovery. There is no indication that they or  
5 each of them filed any frivolous motion practice, filed any  
6 subversive or antagonistic counter and cross-claims or in any way  
7 obfuscated Plaintiff's illicit pursuit of his remedy in this forum.

8 If this Court is unwilling to defer ruling on this matter until  
9 the time of the Huneycutt motion on October 10, 2021, then these  
10 Defendants request that the attorney's fees award be only against  
11 those Defendants responsible for the unnecessary and protected  
12 litigation. These Defendants, while in respect for this Court,  
13 respectfully disagree with any exercise of jurisdiction against  
14 them. Of course, without jurisdiction, any pursuit of any remedy  
15 would be the basis for NRCP 11 sanctions, independent litigation for  
16 abuse of process and possibly litigation intended to immediately  
17 halt the process this Court is using to continue to subject these  
18 Defendants to execution of judgment.

19 Previously, in response to these Defendant's request to  
20 bifurcate the enforcement of the judgment awarded at Summary  
21 Judgment, this Court determined that joint and several liability  
22 existed as to these opposing Defendants. However, it is clear that  
23 no independent tort acts have been performed by these two  
24 individuals and one company. These individuals have never come to  
25 Nevada and have never spoken with Plaintiff's representatives. They  
26 have not signed any contracts and have not produced any  
27 documentation that they were ever involved in any acts intended to  
28 harm or induce harm on the Plaintiff.

1 On August 26, 2021, this Court justified its result by stating  
2 that in her experience prosecuting white color crime, these  
3 Defendants have to pay the judgment, or post a bond, or words to  
4 that effect. This Court also stated that it remembers every fact of  
5 this case, or words that effect, in order to ostensibly justify that  
6 any motion practice that opposes Plaintiff's aims is futile and will  
7 be denied. This is just not appropriate for at least 3 main  
8 reasons:

9 1) Plaintiff never brought before this Court that it had no  
10 business license in Nevada

11 2) The Court's experience in other white color criminal  
12 matters does not control over the facts in this case

13 3) The Court cannot possibly know or remember facts that were  
14 never brought before it and those facts, are material facts that  
15 argue, very strongly, for the immediate dismissal of this action.

16 On August 19, 2021, during calendar call, the Court stated it  
17 would work with the attorneys for those parties still represented by  
18 Counsel to have all matters heard together, to preclude these  
19 Defendants from having to make numerous appearances all to say  
20 exactly the same thing: the Plaintiff has no grounds and no business  
21 pursuing remedies as a foreign LLC without obtaining a business  
22 license at any time, and who admits it has no contacts with this  
23 State.

24 It is not too late to assist in the administration of justice  
25 for all. Justice argues that the rule of law in Nevada is followed  
26 to the letter. Justice argues that parties who the State of Nevada  
27 has no personal and subject matter jurisdiction over cannot be  
28 compelled to bring suits or made to defend cases for which there is  
no basis in law or fact to continue.

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PLAINTIFF'S ABUSIVE LITIGATION PRACTICES HAVE RISEN TO THE LEVEL OF  
FRAUD ON THE COURT

Courts, including the Nevada Supreme Court and the 9<sup>th</sup> Circuit have had the opportunity to dissect the meaning of "fraud on the court" and several definitions have been attempted. In the 9<sup>th</sup> Circuit, the court held that a "fraud on the court" occurs "where it can be demonstrated, clearly and convincingly, that a party has knowingly set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. *Alexander v. Robertson*, 882 F.2d 421, 424 (9<sup>th</sup> Cir. 1989).

The Nevada Supreme Court has held that, while using the guidance of the US Supreme Court in that generally, speaking, only the most egregious misconduct, such as bribery of a judge or members of a jury, or the **fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court** (See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 64 S. Ct. 997, 88 L. Ed. 1250 (1944)) stated:

"salutary purpose of Rule 60(b) is to redress any injustices that may have resulted because of excusable neglect or the wrongs of an opposing party. Rule 60 should be liberally construed to effectuate that purpose" (see *Nevada Industrial Dev. v. Benedetti*, 103 Nev. 360, 364, 741 P.2d 802, 805 (1987)). (emphasis added).

As David Hague demonstrated in the Nevada Law Review in 2016:

1 "While fraud on the court has been recognized for  
2 centuries as a basis for  
3 setting aside a final judgment, it has been used for  
4 several other purposes under the rules of civil  
5 procedure. Generally, fraud on the court is a fraud  
6 "directed to the judicial machinery itself and is not  
7 fraud between the parties or fraudulent documents . . .  
8 . It is thus fraud where . . . the impartial functions  
9 of the court have been directly corrupted." *Robinson v.*  
10 *Audi Aktiengesellschaft*, 56 F.3d 1259, 1266 (10th Cir.  
11 1995). Interestingly, the term "fraud on the court"  
12 only mentioned in Rule 60(d)(3) of the Federal Rules of  
13 Civil Procedure, yet courts have also used this  
14 doctrine to order dismissal or default under other  
15 rules where a litigant has stooped to the level of  
16 fraud on the court. See, e.g., *Combs v. Rockwell Int'l*  
17 *Corp.*, 927 F.2d 486, 488 (9th Cir. 1991) (relying on  
18 Rule 11 where counsel made thirty-six changes on a  
19 deposition errata sheet after the client advised that  
20 the transcript was accurate and the testimony was  
21 correct); *Brockton Sav. Bank v. Peat, Marwick, Mitchell*  
22 *& Co.*, 771 F.2d 5, 11-12 (1st Cir. 1985) (affirming  
23 district court's entry of default judgment under  
24 court's inherent powers in response to defendant's  
25 abusive litigation practices); *Wyle v. R.J. Reynolds*  
26 *Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983)  
27 ("[C]ourts have inherent power to dismiss an action  
28 when a party has willfully deceived the court and  
engaged in conduct utterly inconsistent with the  
orderly administration of justice." 16 Nevada L J, 707,  
709-711 (2016).

19 In the instant case, Plaintiff brought this action all the  
20 while knowing that it had not gotten a business license in the State  
21 of Nevada. As an LLC, it knows it must get a business license to  
22 operate. It also knew that it needed to operate in Nevada, because  
23 ostensibly, it was formed for that very reason, to operate in Nevada  
24 under the contract it pled that it alleged other Defendants (not  
these opposing Defendants) breached.

25 Nonetheless, Plaintiff continues to assert allegations based on  
26 its judgment that are continuing to injure these Defendants.  
27 Bringing actions that it knows it cannot and should never have  
28 maintained go against all courtesy and decency that this Court

1 stands for. It is neither appropriate or lawful to pursue remedies  
2 in a case in which the matter has no subject matter jurisdiction.

3 Not only is Plaintiff still pursuing remedies, but it is  
4 pursuing execution and garnishment against the Defendants despite  
5 knowing that it has no grounds to continue this remedy or this  
6 litigation in its current form.

7 These opposing Defendants have spent nearly \$15,000.00 since  
8 the beginning of July to bring motions, an appeal and now this  
9 opposition to stop the process of going after these Defendants for  
10 no lawful purpose. The Defendants ask this Court to stop this  
11 practice immediately.

### 12 III.

#### 13 PLAINTIFF VIOLATED NEVADA LAW WHEN IT CONTINUES TO PURSUE JUDGMENT

14 NRS 22.010 states in pertinent part:

15 "The following acts or omissions shall be deemed  
16 contempts:

17 ...  
18 3. Disobedience or resistance to any lawful writ,  
19 order, rule or process issued by the court or judge at  
20 chambers.

21 ...  
22 7. Abusing the process or proceedings of the court or  
23 falsely pretending to act under the authority of an  
24 order or process of the court.

25 In the instant matter, Plaintiff decided that he would disregard  
26 a key element of law and fail to register it as a legitimate  
27 business. As such, it has no right to continue to litigate.  
28 Nonetheless, despite being faced with the knowledge that these  
Defendants found out its practice, Plaintiff is still harassing these  
opposing Defendants with process that is wasteful, expensive and  
unwarranted. This needs to immediately cease.

1 This Court, on August 19, 2021, agreed with these Defendants  
2 that all pending matters shall be stayed to be heard all together.  
3 This Court pledged that soon, ostensibly before August 26, 2021, that  
4 there would be a meeting to consolidate all motions together to have  
5 them heard concurrently. This would be both efficient and  
6 appropriate given the allegations and the circumstances this instant  
7 matter is in, all due to the Plaintiff's refusal to do the right  
8 thing.

9  
10 Despite all of that, this Court is continuing to administer  
11 rulings incrementally. This process is costing thousands of dollars  
12 to these Defendants that is completely unnecessary. If the Court  
13 wished to allow Plaintiff everything Plaintiff wants, there is no  
14 reason it cannot make one hearing, with one ruling to cover all areas  
15 together. In that event, Defendants would not have to resort to what  
16 may be very expensive multiple appeals (as many as 3) and even have  
17 to resort to Writs of Prohibition.

18  
19 Further, Plaintiff's contemptuous pursuits of remedies of  
20 litigation all the while knowing it has no jurisdiction to do so must  
21 end immediately.

#### 22 IV. CONCLUSION

23 For all these reasons, Defendants request that Plaintiff's  
24 request for attorney's fees be DENIED or continued until the date of

25 //

26 //

27 //



1 these Defendant's Huneycutt Motion on October 10, 2021.

2 DATED this 31<sup>st</sup> day of August, 2021

3 THE WASIELEWSKI LAW FIRM, LTD.

4 /s/ Andrew Wasielewski

5 By:

6 ANDREW WASIELEWSKI, ESQ.  
7 Nevada Bar #6161  
8 8275 S. Eastern Ave #200-818  
9 Las Vegas, NV 89123  
10 Attorney for Defendants  
11 Margaret Reddy, Mohan  
12 Thalamarla and Max Global

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that service of DEFENDANTS' OPPOSITION TO  
15 MOTION FOR ATTORNEY'S FEES was served on all parties by utilizing the  
16 services of the Eighth Judicial District Court's E-service to provide  
17 electronic service to the following parties on August 31, 2021:

18 Leah A. Martin, Esq., P.C.  
19 LEAH A. MARTIN, ESQ.  
20 Nevada Bar No. 7982  
21 3100 W. Sahara Ave., #202  
22 Las Vegas, NV 89102  
23 Attorneys for VIJAY REDDY

The Ball Law Group  
ZACHARY T BALL, Esq.  
Nevada Bar No. 8364  
1935 Village Center Cir #120  
Las Vegas, NV 89134  
Attorney for Plaintiff

24 David Weinstein (& Medasset Corp)  
25 c/o Michael Orenstein  
26 4018 Sheridan Street  
27 Hollywood, FL 33021  
28 Defendant

David Weinstein  
125 Harmon Ave. #122  
Las Vegas, NV 89109  
Defendant and Registered  
Agent for Defendant Medasset

Kevin Brown  
2006 Sylvan Park Road  
Burlington, NJ 08016  
Defendant

Visionary Business Brokers  
2006 Sylvan Park Road  
Burlington, NJ 08016  
Defendant

/s/ Andrew Wasielewski

By:

An Employee of  
THE WASIELEWSKI LAW FIRM



Zachary T. Ball, Esq.  
Nevada Bar No. 8364  
**THE BALL LAW GROUP**  
1935 Village Center Circle, Suite 120  
Las Vegas, Nevada 89134  
Telephone: (702) 303-8600  
Email: zball@balllawgroup.com  
Attorney for *Medappeal LLC and*  
*Liberty Consulting & Management*  
*Services, LLC*

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

MEDAPPEAL, LLC, An Illinois Limited  
Liability Company,

Plaintiffs,

vs.

DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN  
THALMARLA, KEVIN BROWN, MAX  
GLOBAL, INC., VISIONARY BUSINESS  
BROKERS LLC, MEDASSET  
CORPORATION, and DOES 1-50,

Defendants.

Case No.: A-19-792836-C

Dept. No.: 14

**NOTICE OF ENTRY OF ORDER  
GRANTING ATTORNEY'S FEES  
AND COSTS**

MEDASSET CORPORATION, a Nevada  
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited  
Liability Company,

Counter-Defendant.

MEDASSET CORPORATION, a Nevada  
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &  
MANAGEMENT SERVICES, LLC, an  
Illinois Limited Liability Company,

Third-Party Defendant.

TO: ALL PARTIES and their ATTORNEYS.

PLEASE TAKE NOTICE of the following Order Granting Attorney's Fees and Costs that  
was entered on the 4<sup>th</sup> day of October, 2021. A copy of said Order is attached hereto.

DATED this 6<sup>th</sup> day of October, 2021.

THE BALL LAW GROUP

/s/ Zachary T. Ball

Zachary T. Ball, Esq.

Nevada Bar No. 8364

1935 Village Center Circle, Suite 120

Las Vegas, NV 89134

Attorney for *Medappeal LLC and  
Liberty Consulting & Management  
Services, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER GRANTING ATTORNEY'S FEES AND COSTS** was electronically filed with the Eighth Judicial District Court on the 6<sup>th</sup> day of October, 2021. Electronic service of the foregoing document shall be sent by the Court via email to the addresses furnished by the registered user(s) pursuant to N.E.F.C.R. 9(b) and 13(c) and as shown below:

David Weinstein  
c/o Michael Orenstein  
4018 Sheridan Street  
Hollywood, Florida 33021  
[davidsunbelt@gmail.com](mailto:davidsunbelt@gmail.com)

*Pro-Se*

The Wasielewski Law Firm, Ltd.  
Andrew Wasielewski, Esq.  
8275 South Eastern Avenue, Ste. 200-818  
Las Vegas, Nevada 89123  
Counsel for Defendant *Vijay Reddy,*  
*Margaret Reddy and Mohan Thalmarla*  
*and Max Global, Inc.*

Medasset Corporation  
c/o Registered Agent: David Weinstein  
125 East Harmon Avenue, #322  
Las Vegas, Nevada 89109  
(702) 592-2018

*Pro-Se*

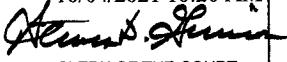
Kevin Brown  
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*Pro Se*

Visionary Business Brokers  
2006 Sylvan Park Road  
Burlington, NJ 08016  
(856) 533-8173  
*Pro Se*

David Weinstein  
125 Harmon Avenue, #322  
Las Vegas, Nevada 89109

/s/ Kelley A. McGhie

An Employee of the Ball Law Group

  
CLERK OF THE COURT

**OGJ**  
Zachary T. Ball, Esq., NVB 8364  
**THE BALL LAW GROUP**  
1935 Village Center Circle, Suite 120  
Las Vegas, Nevada 89134  
Telephone: (702) 303-8600  
Email: zball@balllawgroup.com  
Attorney for *Medappeal LLC and*  
*Liberty Consulting & Management*  
*Services, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MEDAPPEAL, LLC, An Illinois Limited  
Liability Company,

Case No.: A-19-792836-C

Dept. No.: 14

Plaintiff,

vs.

**ORDER GRANTING ATTORNEY'S  
FEES AND COSTS**

DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN  
THALMARLA, KEVIN BROWN, MAX  
GLOBAL, INC., VISIONARY BUSINESS  
BROKERS LLC, MEDASSET  
CORPORATION, and DOES 1-50,

Defendants.

MEDASSET CORPORATION, a Nevada  
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited  
Liability Company,

Counter-Defendant.

MEDASSET CORPORATION, a Nevada  
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &  
MANAGEMENT SERVICES, LLC, an Illinois  
Limited Liability Company,

Third-Party Defendant.

**ORDER GRANTING ATTORNEY'S FEES AND COSTS**

This matter came before the Court on August 31, 2021 on Plaintiff/Counterdefendant Medappeal, LLC ("Medappeal") Motion for Attorney's Fees and Costs as to Medappeal's request for attorney's fees and costs with Zachary T. Ball, Esq. of Ball Law Group representing Medappeal and Andrew Wasielewski, Esq. of The Wasielewski Law Firm, Ltd. representing Margaret Reddy, Mohan Thalmarla, and corporate entity Max Global, Inc. only. The remaining parties were not represented and not present at the hearing. Having reviewed Medappeal's Verified Memorandum of Costs and Disbursements, Medappeal's Motion for Attorney's Fees, appearing Defendants' Opposition to Motion for Attorney's Fees and Medappeal's First Supplemental Verified Memorandum of Costs and Disbursements and Request to Amend Judgment To Include Prejudgment Interest, and having heard the arguments of counsel and for good cause shown,

THE COURT FINDS that the Court previously ruled at the time of ruling on Plaintiff's Motion for Summary Judgment that Attorney's Fees and Costs are approved.

THE COURT FURTHER FINDS that Medappeal was already awarded attorney fees under NRS 207.470(1), costs under NRS 207.470(1) and NRS 18.0220(3), and pre-judgment interest under NRS 17.130, jointly and severally against all Defendants on June 18, 2021.

THE COURT FURTHER FINDS that Plaintiff was already ordered to file with the Court informing this Court Plaintiff's requested attorney fees and costs amounts and substantiating documentation.

Therefore:

IT IS ORDERED that the Court GRANTS Medappeal's Motion for Attorney's Fees in the amount of \$137,647.97.

IT IS FURTHER ORDERED that the Court GRANTS Medappeal's costs and disbursements in the amount of \$6,325.57.

IT IS FURTHER ORDERED that the Court GRANTS Medappeal's prejudgment interest in the amount of \$33,560.47.

1 IT IS FURTHER ORDERED that Medappeal has a judgment amount against all  
2 Defendants in the amount of \$402,534.01 as of August 31, 2021.

3 DATED this 9. Escobar day of September, 2021

4  
5  
6 Dated this 4th day of October, 2021

7 Q. Escobar

8 DISTRICT COURT JUDGE  
508 980 EED7 8554  
Adriana Escobar  
District Court Judge

9 Reviewed and Approved by:

10 The Wasielewski Law Firm, Ltd.

11 /s/ Andrew Wasielewski, Esq.  
12 Andrew Wasielewski, Esq.  
13 Nevada Bar No. 6161  
8275 South Eastern Avenue, Ste. 200-818  
Las Vegas, Nevada 89123

14 Respectfully Submitted by:

15 THE BALL LAW GROUP

16  
17 /s/ Zachary T. Ball  
18 Zachary T. Ball, Esq.  
19 Nevada Bar No. 8364  
1935 Village Center Circle, Suite 120  
Las Vegas, NV 89134  
20 Attorney for Medappeal LLC and  
Liberty Consulting & Management  
21 Services, LLC  
22  
23  
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25  
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28

**From:** Andrew Wasielewski <andrew@wazlaw.com>  
**Date:** Friday, September 17, 2021 at 3:22 PM  
**To:** Zachary Ball <zball@balllawgroup.com>  
**Cc:** Michelle Rasmussen <reception@balllawgroup.com>  
**Subject:** Approved order from Motion for Attorneys fees and Costs hearing on 083121

Hello Zach,  
I have attached the final order I agree with.  
Sincerely,

---

Andrew Wasielewski, Esq.  
The Wasielewski Law Firm, LTD.  
8275 South Eastern Avenue, Suite 200-818  
Las Vegas, NV 89123



(702) 490-8511

On 2021-09-16 13:09, Zachary Ball wrote:

Yes, please let me know by 3 pm tomorrow.

Thank you.

Zach

signature\_1763316852



**THE BALL LAW GROUP**

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(702) 303-8600 (phone)

[zball@balllawgroup.com](mailto:zball@balllawgroup.com)

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---

**From:** Andrew Wasielewski <andrew@wazlaw.com>

**Date:** Thursday, September 16, 2021 at 1:06 PM

**To:** Zachary Ball <zball@balllawgroup.com>

**Cc:** Michelle Rasmussen <reception@balllawgroup.com>

**Subject:** Re: Notice of Posting Bond

Hello Zachary,

I know that I have to provide you the order back today.  
Today I am quite ill. May I have until tomorrow, close of business to provide the document back to you?  
Sincerely,

---

Andrew Wasielewski, Esq.  
The Wasielewski Law Firm, LTD.  
8275 South Eastern Avenue, Suite 200-818  
Las Vegas, NV 89123  
(702) 490-8511

On 2021-09-15 12:22, Zachary Ball wrote:

Hi Andrew-

Thanks for speaking with me and Judge Singer earlier today.

Based on a portion of that conversation, I understood that your clients have gained the required bond in this matter. Our calculations show that the Order required proof of bond to be posted with the Court no later than yesterday. To avoid further collection efforts, please provide proof of the bond by the close of business tomorrow.

Thank you.

Zach

signature\_1184394980



**THE BALL LAW GROUP**

1935 Village Center Circle

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Las Vegas, Nevada 89134

(702) 303-8600 (phone)

[zball@balllawgroup.com](mailto:zball@balllawgroup.com)

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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5  
6 Medappeal LLC, Plaintiff(s)

CASE NO: A-19-792836-C

7 vs.

DEPT. NO. Department 14

8 David Weinstein, 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 Granting Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/4/2021

15 Leah Martin

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18 Zachary Ball

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19 Kelley McGhie

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20 Andrew Wasielewski

andrew@wazlaw.com

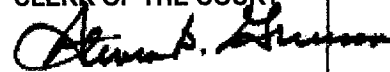
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**MREL**

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Email: andrew@wazlaw.com  
Attorney for Defendants  
Margaret Reddy, Mohan Thalamarla, Max Global, Inc.

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

MEDAPPEAL, LLC, An Illinois  
Limited Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN THALAMARLA,  
KEVIN BROWN, MAX GLOBAL, INC.,  
VISIONARY BUSINESS BROKERS, LLC,  
MEDASSET CORPORATION, AND DOES 1-  
50.

Defendants.

Case No. A-19-792836-C  
Dept No. XIV

Hearing NOT Requested

And related counterclaim

And related third party complaint

**DEFENDANTS' MARGARET REDDY, MOHAN THALAMARLA AND MAX GLOBAL'S  
HUNEYCUTT MOTION FOR RELIEF FROM JUDGMENT OR ORDER**

COMES NOW, Defendants MARGARET REDDY, MOHAN THALAMARLA and MAX  
GLOBAL, through their counsel of record ANDREW WASIELEWSKI, ESQ. of  
the law firm of THE WASIELEWSKI LAW FIRM, LTD., sets forth, pursuant  
to NRCP 60, and *Huneycutt v Huneycutt*, 94 Nev 79 (1978), their Motion

1 for Relief in the above referenced matter, for and upon all papers  
2 and pleadings on file herein, all exhibits, Points and Authorities  
3 and affidavits as set forth herein.

#### 4 I. STATEMENT OF THE ISSUE

5 Defendants, MARGARET REDDY, MOHAN THALAMARLA and MAX GLOBAL move  
6 this Court pursuant to NRCP Rule 60 (b) for relief from the Court's  
7 Order for Summary Judgment in this case based on newly discovered  
8 evidence. NRCP Rule 60 permits relief from a judgment based on newly  
9 discovered evidence "which by due diligence could not have been  
10 discovered in time to move for a new trial under Rule 59(b); (3) fraud  
11 (whether heretofore denoted intrinsic or extrinsic), misrepresentation  
12 or other misconduct of an adverse party."

14 This Court has the ability to relieve Movants from a Judgment  
15 based on improper conduct of the Plaintiff. Movants will notify the  
16 Supreme Court of this filing pursuant to *Huneycutt v Huneycutt* and  
17 depending on the outcome, request remand to allow the Court to issue a  
18 decision accordingly.

#### 20 II. FACTS

21 Defendants hired the undersigned counsel over the course of 4<sup>th</sup> of  
22 July holiday and it still took five days to have the substitution of  
23 attorney's signed for the undersigned to be able to appear. In the  
24 short few weeks that he has had this action, the undersigned realized  
25 that Plaintiff is neither licensed to do business in the State of  
26 Nevada nor did it ever apply to do business in the State of Nevada.  
27  
28

1 Furthermore, the complaint and the amended complaint do NOT aver that  
2 Plaintiff is licensed to do business in the State of Nevada.

3 It appears that this issue has never been brought before this  
4 court. This is solely because Plaintiff hid or otherwise obstructed  
5 from Defendants its inability to do any type of business in this court.

6 Further, and in addition to the statutory penalties that must be levied  
7 upon Plaintiff, there is no jurisdiction for this case to continue with  
8 this Court. There is no evidence available that would serve to allow  
9 Plaintiff to maintain this action.

10  
11 Plaintiff filed this action without being licensed to do business  
12 in the State of Nevada. Plaintiff never cured this defect. Plaintiff  
13 never made that fact known to any Defendant or to this Court in any  
14 pleading. Literally years of litigation occurred while so not  
15 licensed, in violation of NRS 86.

16  
17 In fact, as of today, July 30, 2021, Plaintiff is still not  
18 licensed to do business in the State of Nevada, pursuant to the check  
19 of licensed businesses through the Secretary of State portal found at:  
20 <https://esos.nv.gov/EntitySearch/OnlineEntitySearch>

21 At that portal, when MEDAPPEAL is entered, there is no record for  
22 any business EVER have been allowed to do business in the State of  
23 Nevada for any purpose. The result, as of July 30, 2021 is attached as  
24 Exhibit A. Simply, MEDAPPEAL cannot maintain this action and any  
25 judgment granted to it must be immediately vacated.

26  
27 As if that was not enough, there is no personal jurisdiction over  
28 these clients in Nevada in any event. These Defendants both had

1 submitted declarations that they had no connection with this State and  
2 no connection with this Plaintiff.

3 Defendants are not looking to relitigate the personal jurisdiction  
4 portion of this case, as it has already been litigated and is the  
5 subject of the appeal. However, Defendants will ask for remand from  
6 the Nevada Supreme Court in the event that this Court indicates,  
7 pursuant to Nevada common law and *Huneycutt v. Huneycutt* in particular,  
8 of its intention to vacate its judgment, remand the case back to the  
9 District Court, for procedures to begin to relieve them from this  
10 Judgment. After remand, these Defendants herein intend to move to  
11 dismiss Plaintiff's Complaint as soon as is practical.  
12

13 Declarations were made and signed during the beginning of this  
14 case which in essence, established with certainty, there was no  
15 connection with the instant lawsuit and their personal lives in  
16 Michigan / India.  
17

18 MARGARET and MOHAN are non-resident defendants that reside over  
19 1500 miles away. They had never met Medappeal employees or its  
20 officers. They never had any dealings with the Plaintiff on any level.  
21 They never spoke about Plaintiff to any other defendant in this case.  
22

### 23 III. POINTS AND AUTHORITIES

#### 24 A. DEFENDANTS PROPERLY COMPLY WITH THE HONEYCUTT PROCEDURE TO RECEIVE 25 RELIEF FROM JUDGMENT AND SUCH RELIEF IS WARRANTED PURSUANT TO 26 OPERATION OF NRS 86.548

27 As the Nevada Supreme Court stated:

28 "... filing a notice of appeal divests the district court of  
jurisdiction to act and vests jurisdiction in this court."  
*Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529



1 (2006) (quoting *Rust v. Clark Cty. School District*, 103 Nev.  
2 686, 688, 747 P.2d 1380, 1382 (1987)).

3 *Huneycutt* established that despite the general rule that the  
4 perfection of an appeal divests the district court of jurisdiction to  
5 act except with regard to matters collateral to or independent from the  
6 appealed order, the district court nevertheless retains a limited  
7 jurisdiction to review motions made in accordance with this procedure.  
8 *Mack-Manley*, 122 Nev. at 855-56, 138 P.3d at 529-30; *Huneycutt*, 94 Nev.  
9 at 80-81, 575 P.2d at 585-86.

10 NRCP 60 states in pertinent part:

11 "(b) On motion and just terms, the court may  
12 relieve a party or its legal representative from a  
13 final judgment, order, or proceeding for the  
14 following reasons:

15 (1) mistake, inadvertence, surprise, or excusable  
16 neglect;

17 (2) newly discovered evidence that, with reasonable  
18 diligence, could not have been discovered in time  
19 to move for a new trial under Rule 59(b);

20 (3) fraud (whether previously called intrinsic or  
21 extrinsic), misrepresentation, or misconduct by an  
22 opposing party;

23 ...

24 (6) any other reason that justifies relief."  
25 (emphasis added)

26 In the instant matter, Defendants have just found conclusive  
27 evidence that Plaintiff could not have and cannot still maintain this  
28 action. In the seminal case of *AA Primo Builders, LLC v. Wash.*, 245  
P.3d 1190 (Nev. 2010), the Nevada Supreme Court rules in pertinent  
part, to identify the difference between operating an LLC in a revoked  
status and operating an LLC without a charter:

29 "Doing business as an LLC without filing the initial  
30 organizational documents carries significant fines of up to  
\$10,000. NRS 86.213(1). A revoked charter, by contrast,  
carries no fines, only a \$75 penalty reinstatement fee. NRS

1 86.272(3). As for incentivizing judgment-proof LLCs to  
2 litigate with wanton abandon, NRS 86.361 provides that  
3 members of an unchartered entity risk individual liability  
4 unless the default is cured. See *Nichiryo Am., Inc. v. Oxford*  
5 *Worldwide, LLC*, No. 03:07-CV-00335-LRH-VPC, 2008 WL 2457935  
6 (D.Nev. June 16, 2008); see also *Resort at Summerlin v. Dist.*  
7 *Ct.*, 118 Nev. 110, 40 P.3d 432 (2002) (interpreting NRS  
8 80.210 (now NRS 80.055) to condition commencement and  
9 maintenance of a lawsuit for foreign corporations on initial  
10 qualification rather than continuous upkeep of its  
11 qualification). The Legislature has addressed the penalties  
12 for an administrative default leading to charter revocation  
13 and loss of capacity to sue is not among them." *Id.*

14 Currently, NRS 86.213 requires in pertinent part:

15 "1. Every person, other than a foreign limited-liability  
16 company, who is purporting to do business in this State as a  
17 limited-liability company and who willfully fails or neglects  
18 to file with the Secretary of State articles of organization  
19 is subject to a fine of not less than \$1,000 but not more  
20 than \$10,000, to be recovered in a court of competent  
21 jurisdiction."

22 The analogous statute for foreign limited liability companies is  
23 NRS 86.548 which has the same penalty and additionally states in  
24 pertinent part:

25 "2. Every foreign limited-liability company transacting  
26 business in this State which fails or neglects to register  
27 with the Secretary of State in accordance with the provisions  
28 of NRS 86.544 may not commence or maintain any action, suit  
or proceeding in any court of this State until it has  
registered with the Secretary of State."

The Nevada Supreme Court has clearly stated that the penalty for  
LLCs that never register is not the same as the LLC who has registered  
but let its registration lapse in revocation status. It is clear, the  
curing of the willful failure to comply with the requirement to  
register NEVER gives a company the right to bring or maintain an action  
in this state.

1 In the instant case, the Plaintiff is a foreign LLC (licensed to  
2 do business in Illinois). It has no right to do business in Nevada.  
3 The fact that it has, subjects it to a fine of \$10,000.00 and any  
4 liability for sanctions are passed through the LLC to its managers,  
5 pursuant to *AA Primo Builders LLC*.

6 Further, Medappeal LLC cannot cure the problem by registering now.  
7 It needs to dismiss this action, register and then bring it again.  
8 There is simply no way for Medappeal to avail itself of this state's  
9 jurisdiction until it follows the simple rules.  
10

11 In the meantime, this case must be dismissed eventually.  
12 Immediately, Defendants are merely asking for relief of judgment.  
13 Based on how this Court rules, Defendants will petition the Supreme  
14 Court for remand concurrent with the District Court's opinion for its  
15 plan on how it will proceed.

#### 16 IV. CONCLUSION

17 Therefore, Defendant request this Court hear Defendant's motion  
18 and determine whether, if it had jurisdiction that it would be inclined  
19 to grant relief to Defendants from the final summary judgment noticed  
20 on or about June 18, 2021.

21 Dated this 30<sup>th</sup> day of July, 2021  
22  
23

24 THE WASIELEWSKI LAW FIRM, LTD.

25 /s/ Andrew Wasielewski  
26  
27  
28

By: ANDREW WASIELEWSKI, ESQ.  
Nevada Bar #6161  
8275 S. Eastern Ave #200-818  
Las Vegas, NV 89123  
Attorney for Defendants  
Margaret Reddy, Mohan  
Thalamarla and Max Global,  
Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that service of

DEFENDANTS' MARGARET REDDY, MOHAN THALAMARLA AND MAX GLOBAL'S  
HONEYCUTT MOTION FOR RELIEF FROM JUDGMENT OR ORDER

was served on all parties by utilizing the services of the Eighth  
Judicial District Court's E-service to provide electronic service to  
the following parties on July 30, 2021:

Leah A. Martin, Esq., P.C.	The Ball Law Group
LEAH A. MARTIN, ESQ.	ZACHARY T BALL, Esq.
Nevada Bar No. 7982	Nevada Bar No. 8364
3100 W. Sahara Ave., #202	1935 Village Center Cir #120
Las Vegas, NV 89102	Las Vegas, NV 89134
Attorneys for VIJAY REDDY	Attorney for Plaintiff

David Weinstein (& Medasset Corp)	David Weinstein
c/o Michael Orenstein	125 Harmon Ave. #122
4018 Sheridan Street	Las Vegas, NV 89109
Hollywood, FL 33021	Defendant and Registered
Defendant	Agent for Defendant Medasset

Kevin Brown	Visionary Business Brokers
2006 Sylvan Park Road	2006 Sylvan Park Road
Burlington, NJ 08016	Burlington, NJ 08016
Defendant	Defendant

/s/ Andrew Wasielewski

By: An Employee of  
THE WASIELEWSKI LAW FIRM

# Exhibit A

**NEVADA BUSINESS SEARCH**

\* Includes Trademarks, Trade Names, Service Marks, Reserved Names & Business Licenses

I WOULD LIKE TO SEARCH BY:

☒ Starts With    ☐ Contains    ☐ Exact Match    ☐ All Words

Name:

medappeal

**Alert**

No records found with your search criteria.

OK

**BUSINESS ENTITY SEARCH CRITERIA**

Entity Number:

NV Business ID Number:

Officer Name:

Registered Agent Name:

**MARKS SEARCH CRITERIA****Mark Number:****Classification:**

-- Select --

**Goods and Services:****Applicant Name:****ADVANCED SEARCH OPTIONS**☒ All ☐ Show Only Business Entity Information ☐ Show Only Mark Information**Type:**

-- Select --

Status:

-- Select --

Search Clear





1 **OPPM**  
2 Zachary T. Ball, Esq.  
3 Nevada Bar No. 8364  
4 **THE BALL LAW GROUP**  
5 1935 Village Center Circle, Ste. 120  
6 Las Vegas, Nevada 89134  
7 Telephone: (702) 303-8600  
8 Email: zball@balllawgroup.com  
9 Attorney for *Plaintiff*

10 **DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 MEDAPPEAL, LLC, An Illinois Limited  
13 Liability Company,

14 **Plaintiffs,**

15 **vs.**

16 DAVID WEINSTEIN, VIJAY REDDY,  
17 MARGARET REDDY, MOHAN  
18 THALMARLA, KEVIN BROWN, MAX  
19 GLOBAL, INC., VISIONARY BUSINESS  
20 BROKERS LLC, MEDASSET  
21 CORPORATION, and DOES 1-50,

22 **Defendants.**

23 MEDASSET CORPORATION, a Nevada  
24 Corporation,

25 **Counterclaimant,**

26 **v.**

27 MEDAPPEAL, LLC, an Illinois Limited  
28 Liability Company,

**Counter-Defendant.**

Case No.: A-19-792836-C

Dept. No.: 14

**PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' HUNEYCUTT  
MOTION FOR RELIEF FROM  
JUDGMENT OR ORDER**

Date of Hearing: October 12, 2021

Time of Hearing: 10:00 AM

**THE BALL LAW GROUP**  
1935 Village Center Circle, Ste. 120  
Las Vegas, Nevada 89134  
(702) 303-8600

MEDASSET CORPORATION, a Nevada  
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &  
MANAGEMENT SERVICES, LLC, an  
Illinois Limited Liability Company,

Third-Party Defendant.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' HUNEYCUTT MOTION FOR  
RELIEF FROM JUDGMENT OR ORDER**

Plaintiff Medappeal, LLC, by and through its attorney of record Zachary T. Ball, serves its  
Opposition to the *Huneycutt* Motion for Relief from Judgment or Order filed by defendants  
Margaret Reddy, Mohan Thalmarla and Max Global, Inc.

**1. INTRODUCTION.**

Defendants' Motion for Relief should be denied based on its inherent lack of merit without any  
need for the Court to review Plaintiff's Opposition. Defendants fail to support their Motion  
with any facts and they do not provide the Court with any evidence. They argue, without any  
support whatsoever, the Plaintiff committed a fraud on the Court because it filed suit without  
first having qualified to do business in Nevada. The fundamental and fatal flaw with Defendants'  
argument is that Plaintiff has never done business in Nevada and its only contact with the state  
is this litigation. It is Defendants, not Plaintiff, who has made false statements to the Court  
through their Motion for Relief and the Motion should be denied.

**2. PLAINTIFF HAS NEVER DONE BUSINESS IN NEVADA.**

Plaintiff is a limited liability company that is based in Illinois and conducts business in Illinois.  
It has not qualified to do business in Nevada because it has never done business in Nevada.  
Plaintiff does not have any employees in Nevada, it does not have any agents in Nevada, it does  
not maintain an office in Nevada and it does not have any clients in Nevada. Of course,  
Defendants know this because they were provided with the discovery responses from

1 defendants Weinstein and Vijay Reddy that acknowledged these facts.

2 Not surprisingly, Defendants do not even attempt to identify the business Plaintiff currently  
3 conducts or previously conducted in Nevada. Defendants do not attribute any business activities  
4 to Plaintiff, they do not identify any of Plaintiff's Nevada employees and they do not identify  
5 any of Plaintiff's Nevada business contacts. Simply put, Defendants say nothing.

6 The Nevada Supreme Court has observed that "[t]he question of whether a foreign corporation  
7 is 'doing business' and required to qualify, although guided somewhat by NRS 80.015, is often  
8 a laborious, fact-intensive inquiry resolved on a case-by-case basis." (*Exec. Mgmt. v. Ticor*  
9 *Title Ins. Co.*, 118 Nev. 46, 49 (2002).). In this case, however, the inquiry is extremely simple  
10 because there are no facts to review. Plaintiff is not "doing business" because it has never done  
11 any business in Nevada.

12 In an earlier opinion, the Nevada Supreme Court held that "the test to determine if a company  
13 is doing business in a state is two pronged. Courts look first to the nature of the company's  
14 business functions in the forum state, and then to the quantity of business conducted in the  
15 forum state." (*Sierra Glass & Mirror v. Viking Indus., Inc.*, 107 Nev. 119, 122 (1991).) Again,  
16 this test results in the inescapable conclusion that Plaintiff is not doing business in Nevada.  
17 Plaintiff has no business functions in Nevada and it has conducted no business in Nevada. Zero  
18 plus zero equals zero.

19 Notably, the facts of *Sierra Glass* clearly demonstrate the defects with Defendants' Motion.  
20 Viking Industries was the party allegedly doing business in Nevada. The Supreme Court  
21 described its "associations" with Nevada as follows:

22 Its total sales volume amounts to approximately \$ 20,000,000 in the thirty  
23 states in which it conducts business. Of that amount, about \$ 3,000,000 is  
24 from sales into Nevada. At the time the cause of action arose, Viking had  
25 one sales representative, Linda Aronsohn, who worked in Nevada. She  
26 resided in Las Vegas and spent two weeks a month calling on customers and  
visiting sales prospects in Reno and Las Vegas. Viking maintained a listed  
telephone in Las Vegas which operated out of Aronsohn's home. Nevada  
customers would place orders through Aronsohn, who would then phone the  
orders and send checks to Portland. (*Sierra Glass*, 107 Nev. at 121.)

27 Nonetheless, despite this level of activity and its finding that Viking's activities appeared to be  
28

1 continuous and systematic, the Nevada Supreme Court held that Viking was not doing business  
2 in Nevada because it could not say Viking "had so localized itself into the community that its  
3 activities in Nevada took on an intrastate quality." (*Sierra Glass*, 107 Nev. at 125.) In this case,  
4 Plaintiff's only contact with Nevada is its current lawsuit against Defendants. It has no business  
5 functions in Nevada, it earns no money from Nevada and it does not have any employees in  
6 Nevada. Plaintiff does not do any business in Nevada and Defendants' Motion for Relief should  
7 be denied.

8 **3. PLAINTIFF WAS NOT REQUIRED TO QUALIFY.**

9 It should go without saying that because Plaintiff was not doing business in Nevada it did not  
10 need to qualify to do business before filing suit. Further, while not directly relevant to  
11 Defendants' Motion, several Nevada statutes indicate that Defendants' argument is meritless.  
12 For example, NRS 86.5483(1)(a) provides that "maintaining, defending or settling any  
13 proceeding" does not constitute transacting business in Nevada. NRS 80.015 likewise provides  
14 that "maintaining, defending or settling any proceeding" does not constitute doing business in  
15 Nevada. As Plaintiff's only conduct in Nevada was to file suit against Defendants, it was not  
16 doing business and it was not required to qualify before filing suit.

17 Even a cursory analysis of Defendants' argument reveals that it is absurd. According to  
18 Defendants, an Arizona gas station that sues a Nevada resident in Nevada for writing a bad  
19 check would first have to qualify to do business in Nevada. This is clearly not the law.

20 Finally, the Court should remember that Plaintiff filed suit in Nevada only because defendants  
21 Weinstein, Brown and V. Reddy filed a successful motion to dismiss in Illinois and argued that  
22 the forum selection clause in the parties' agreement was binding and enforceable. *Plaintiff*  
23 *cannot be faulted for filing suit in the jurisdiction demanded by the defendants and their act*  
24 *of filing suit did not require them to qualify to do business.* Defendants cannot support their  
25 Motion and it should be denied.

26 **4. CONCLUSION.**

27 Defendants filed a baseless Motion for Relief that exemplifies their lack of candor and their  
28 history of delay and obstruction. Defendants do not identify any facts supporting their Motion,

1 they do not cite to any relevant legal authority and they do not come close to meeting their  
2 burden. Plaintiff has not done any business in Nevada, it was not required to qualify to do  
3 business before filing suit and Defendants' Motion for Relief should be denied.

4 DATED this 13<sup>th</sup> day of August, 2021.

THE BALL LAW GROUP

5  
6 /s/ Zachary T. Ball

7 Zachary T. Ball, Esq.

8 Nevada Bar No. 8364

1935 Village Center Circle, Ste. 120

Las Vegas, Nevada 89134

Attorney for *Plaintiff*  
9  
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**DECLARATION OF SETH JOHNSON**

I, Zachary T. Ball, declare as follows:

1. I am over the age of 18 and one of the principals of plaintiff Medappeal, LLC. If called as a witness, I would and could competently testify to the matters stated below as they are based on my own personal knowledge.
2. I submit this Declaration in support of Medappeal's Opposition to Defendants' Motion for Relief from Judgment or Order.
3. Medappeal does not do business in Nevada and has never done business in Nevada. Medappeal does not have any employees or agents in Nevada, it has never generated any sales from Nevada and it does not have any offices in Nevada.
4. Medappeal's only contact with Nevada is this lawsuit. Medappeal filed suit in Nevada because defendants Weinstein, Brown and V. Reddy filed a successful motion to dismiss in Illinois on the grounds that the forum selection clause in our agreement required Medappeal to sue in Nevada.

I declare under the penalty of perjury of the laws of the state of Nevada that the above is true and correct. Executed on August 10, 2021.

  
Seth Johnson

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of August, 2021, I deposited a true and correct copy of the **PLAINTIFF'S OPPOSITION TO DEFENDANTS' HUNEYCUTT MOTION FOR RELIEF FROM JUDGMENT OR ORDER** in the United States Mail at Las Vegas, Nevada, enclosed in a sealed envelope, first class mail, postage prepaid and/or Electronic service to the addresses furnished by the registered user(s) pursuant to N.E.F.C.R. 9(b) and 13(c) and as shown below:

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/s/ Zachary T. Ball, Esq.  
An Employee of the Ball Law Group



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5 Attorney for *Medappeal LLC and*  
*Liberty Consulting & Management*  
6 *Services, LLC*

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

10 MEDAPPEAL, LLC, An Illinois Limited  
Liability Company,

11  
12 Plaintiffs,

13 vs.

14 DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN  
15 THALMARLA, KEVIN BROWN, MAX  
GLOBAL, INC., VISIONARY BUSINESS  
16 BROKERS LLC, MEDASSET  
CORPORATION, and DOES 1-50,

17 Defendants.

18 MEDASSET CORPORATION, a Nevada  
19 Corporation,

20 Counterclaimant,

21 v.

22 MEDAPPEAL, LLC, an Illinois Limited  
Liability Company,

23 Counter-Defendant.  
24  
25  
26  
27  
28

Case No.: A-19-792836-C

Dept. No.: 14

**NOTICE OF ENTRY OF ORDER  
GRANTING FINDING OF FACTS,  
CONCLUSIONS OF LAW AND  
ORDER DENYING DEFENDANTS'  
MOTION FOR RELIEF**



1 MEDASSET CORPORATION, a Nevada  
2 Corporation,

3 Third-Party Plaintiff,

4 v.

5 LIBERTY CONSULTING &  
6 MANAGEMENT SERVICES, LLC, an  
Illinois Limited Liability Company,

7 Third-Party Defendant.

8 TO: ALL PARTIES and their ATTORNEYS.

9 PLEASE TAKE NOTICE of the following Order Granting Finding of Facts, Conclusions  
10 Of Law and Order Denying Defendants' Motion For Relief that was entered on the 25<sup>th</sup> day of  
11 October, 2021. A copy of said Order is attached hereto.

12 DATED this 28<sup>th</sup> day of October, 2021.

13 THE BALL LAW GROUP

14 /s/ Zachary T. Ball

Zachary T. Ball, Esq.

Nevada Bar No. 8364

1935 Village Center Circle, Suite 120

Las Vegas, NV 89134

Attorney for *Medappeal LLC and*

*Liberty Consulting & Management*

*Services, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER GRANTING FINDING OF FACTS, CONCLUSIONS OF LAW AND ORDER DENYING DEFENDANTS' MOTION FOR RELIEF** was electronically filed with the Eighth Judicial District Court on the 28<sup>th</sup> day of October, 2021. Electronic service of the foregoing document shall be sent by the Court via email to the addresses furnished by the registered user(s) pursuant to N.E.F.C.R. 9(b) and 13(c) and as shown below:

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/s/ Kelley A. McGhie  
An Employee of the Ball Law Group

*Heather S. Smith*  
CLERK OF THE COURT

**ORD**

Zachary T. Ball, Esq.  
Nevada Bar No. 8364

**THE BALL LAW GROUP**

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Attorney for *Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MEDAPPEAL, LLC, An Illinois Limited  
Liability Company,

Plaintiffs,

vs.

DAVID WEINSTEIN, VIJAY REDDY,  
MARGARET REDDY, MOHAN  
THALMARLA, KEVIN BROWN, MAX  
GLOBAL, INC., VISIONARY BUSINESS  
BROKERS LLC, MEDASSET  
CORPORATION, and DOES 1-50,

Defendants.

MEDASSET CORPORATION, a Nevada  
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited  
Liability Company,

Counter-Defendant.

Case No.: A-19-792836-C

Dept. No.: 14

**FINDING OF FACTS,**  
**CONCLUSIONS OF LAW AND**  
**ORDER DENYING DEFENDANTS'**  
**MOTION FOR RELIEF**

Date of Hearing: October 11, 2021  
(Chambers)

Time of Hearing: N/A

**THE BALL LAW GROUP**  
1935 Village Center Circle, Ste. 120  
Las Vegas, Nevada 89134  
(702) 303-8600

MEDASSET CORPORATION, a Nevada  
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &  
MANAGEMENT SERVICES, LLC, an  
Illinois Limited Liability Company,

Third-Party Defendant.

The *Huneycutt* Motion for Relief from Judgment filed by defendants Margaret Reddy, Mohan Thalmarla and Max Global, Inc. was resolved through a Chambers hearing on October 11, 2021 in Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding. Upon thorough review of the pleadings, this Court issues the following order:

**I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY.**

Plaintiff Medappeal, LLC filed suit against defendants Margaret Reddy, Mohan Thalmarla, and Max Global, Inc. ("Moving Defendants") in 2019. Medappeal filed suit in Nevada after defendants Vijay Reddy, Kevin Brown and David Weinstein successfully dismissed the suit that Medappeal had filed in Illinois on the grounds that venue was only proper in Nevada. Medappeal alleged that Moving Defendants conspired with and assisted the other defendants in the fraud that other misconduct that occurred.

Medappeal's Motion for Summary Judgment was granted on June 17, 2021 against all defendants. Moving Defendants filed a *Huneycutt* Motion for Relief on July 30, 2021 and specifically did not request a hearing. Moving Defendants sought relief based on newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial and/or fraud. They argued that Medappeal was not entitled to sue in Nevada because it was not qualified to do business in Nevada and that it "hid or otherwise obstructed from Defendants its inability to do any type of business in this court." (Motion for Relief at 3:4-5.)

The Court resolved Moving Defendants' Motion in chambers as they did not request a

1 hearing.

2 **II. STANDARD OF LAW.**

3 As cited by Moving Defendants, Rule 60 of the Nevada Rules of Civil Procedure allows  
4 a party to seek relief from an order because of, among other reasons, (1) newly discovered  
5 evidence that, with reasonable diligence, could not have been discovered in time to move for a  
6 new trial under Rule 59(b) or (2) fraud (whether previously called intrinsic or extrinsic),  
7 misrepresentation, or misconduct by an opposing party.

8 **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

9 Plaintiff Medappeal, LLC was not doing business in Nevada and has never done business  
10 in Nevada.

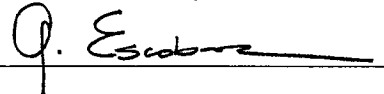
11 Plaintiff Medappeal, LLC was not required to qualify to do business in Nevada.

12  
13 **ORDER**

14 **IT IS ORDERED** that the Motion for Relief filed by defendants Margaret Reddy, Mohan  
15 Thalmarla and Max Global, Inc. is denied.

16 **IT IS SO ORDERED.**

17 Dated this 25th day of October, 2021

18   
19

20 **B9B 488 8FCE 3F02**  
21 **Adriana Escobar**  
22 **District Court Judge**

23 Reviewed and Approved by:

24 The Wasielewski Law Firm, Ltd.

25 **RECEIVED NO RESPONSE**

26 Andrew Wasielewski, Esq.  
27 Nevada Bar No. 6161  
28 8275 South Eastern Avenue, Ste. 200-818  
Las Vegas, Nevada 89123

1 Respectfully Submitted by:

2 THE BALL LAW GROUP

3 /s/ Zachary T. Ball

4 Zachary T. Ball, Esq.

5 Nevada Bar No. 8364

6 1935 Village Center Circle, Suite 120

7 Las Vegas, NV 89134

8 Attorney for *Medappeal LLC and*  
9 *Liberty Consulting & Management*  
10 *Services, LLC*

**Subject:** Re: Order Denying Motion  
**Date:** Thursday, October 21, 2021 at 9:59:29 AM Pacific Daylight Time  
**From:** Zachary Ball <zball@balllawgroup.com>  
**To:** Andrew Wasielewski <andrew@wazlaw.com>  
**CC:** Hannah Hancock <reception@balllawgroup.com>  
**Attachments:** image001.png, image002.png

Hi Andrew-

As a follow up to our call, please let me know of any changes to the order by the close of business tomorrow.

Thank you.

Zach



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**From:** Zachary Ball <zball@balllawgroup.com>  
**Date:** Thursday, October 14, 2021 at 2:45 PM  
**To:** Andrew Wasielewski <andrew@wazlaw.com>  
**Cc:** Michelle Rasmussen <reception@balllawgroup.com>  
**Subject:** Order Denying Motion

Hi Andrew-

Please find the attached Order for your review. If you can approve, please provide me a responsive email indicating same.

Please provide your response no later than end of day on Monday, October 18, 2021.

Thank you.

Zach



**THE BALL LAW GROUP**

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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5  
6 Medappeal LLC, Plaintiff(s)

CASE NO: A-19-792836-C

7 vs.

DEPT. NO. Department 14

8 David Weinstein, 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 Findings of Fact, Conclusions of Law and Order was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 10/25/2021

15 Zachary Ball

zball@balllawgroup.com

16 Kelley McGhie

kmcghie@balllawgroup.com

17 Andrew Wasielewski

andrew@wazlaw.com

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