

1 **IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

2  
3 NICKEL MINE AVENUE TRUST, a  
4 Nevada irrevocable trust;  
5 TRAVERTINE LANE TRUST, a  
6 Nevada irrevocable trust; MAHOGANY  
7 MEADOWS AVENUE TRUST, a  
8 Nevada irrevocable trust; SATICOY  
9 BAY, LLC, a Nevada Limited Liability  
10 Company,

11 Appellants,

12 vs.

13 COPPER CREEK HOMEOWNERS  
14 ASSOCIATION a Nevada Nonprofit  
15 Corporation,

16 Respondent.

**SUPREME COURT CASE NO.  
82205-COA**

Electronically Filed  
Jan 06 2022 01:53 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Eighth Judicial District Court  
Clark County, Nevada  
Case No.: A-19-791060-C

**RESPONDENT, COPPER  
CREEK HOMEOWNERS  
ASSOCIATION'S  
SUPPLEMENTAL APPENDIX**

17 David M. Bray, Esq. (SBN 12706)  
18 BRAY LAW GROUP LLC  
19 1180 N. Town Center Dr. Ste. 100  
20 Las Vegas, Nevada 89144  
21 (702) 623-0046 (Telephone)  
22 (725) 210-5800 (Facsimile)  
23 david@braylawgroup.com

24 *Attorney for Respondent, COPPER CREEK HOMEOWNERS ASSOCIATION*

25 **VOLUME 1: BATES NUMBERS RA00001-RA00013**



IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

NICKEL MINE AVENUE TRUST,  
TRAVERTINE LANE TRUST, MAHOGANY  
MEADOWS AVENUE ,  
Appellants

vs.

COPPER CREEK HOMEOWNERS  
ASSOCIATION

No. 82205

Electronically Filed  
Jan 04 2021 11:25 a.m.

DOCKETING Elizabeth A. Brown  
CIVIL APPEALS Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 28  
County Clark Judge Ronald J. Israel  
District Ct. Case No. A-19-791060-C

**2. Attorney filing this docketing statement:**

Attorney Michael F. Bohn, Esq. Telephone 702-642-3113  
Firm Law Offices of Michael F. Bohn, Esq., Ltd.  
Address 2260 Corporate Circle, Suite 480  
Henderson, NV 89074

Client(s) Nickel Mine Avenue Trust, Travertine Lane Trust, Mahogany Meadows Avenue Tr

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney David M Bray, Esq Telephone 702-623-0046  
Firm Bray Law Group, LLC  
Address 1180 N. Town Center Dr., Ste. 100  
Las Vegas, NV 89117

Client(s) Copper Creek Homeowners Association

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input checked="" type="checkbox"/> Summary judgment        | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- Child Custody
- Venue
- Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None

**8. Nature of the action.** Briefly describe the nature of the action and the result below:  
Plaintiff filed this action is seeking money damages for alleged violation of the CC&R's

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):  
The award of attorneys fees is not fair or reasonable considering the amount in controversy.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:  
None

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

Reversal of well-settled Nevada precedent (identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Counsel for appellant does not find any grounds for jurisdiction to be retained by the Supreme Court

**14. Trial.** If this action proceeded to trial, how many days did the trial last? 0 \_\_\_\_\_

Was it a bench or jury trial? N/A \_\_\_\_\_

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
n/a

## TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Nov 6, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Nov 9, 2020

Was service by:

Delivery

Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCF 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCF 50(b)      Date of filing \_\_\_\_\_

NRCF 52(b)      Date of filing \_\_\_\_\_

NRCF 59          Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCF 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See *AA Primo Builders v. Washington*, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

Delivery

Mail

**19. Date notice of appeal filed** Dec 7, 2020

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If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4 (a)

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**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order: Appeal from a judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.

**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Copper Creek Homeowners Association, plaintiff; Nickel Mine Avenue Trust, Travertine Lane Trust, Mahogany Meadows Avenue Trust, Saticoy Bay, LLC, defendants

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Plaintiff's claims are for breach of a settlement agreement involving rental restrictions contained in the CCRs.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

Yes

No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Nickel Mine Avenue Trust  
Name of appellant

Michael F. Bohn, Esq.  
Name of counsel of record

Jan 4, 2021  
Date

  
Signature of counsel of record

Clark County, Nevada  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 4th day of January, 2021, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

David M. Bray, Esq.  
BRAY LAW GROUP, LLC  
1180 N. Town Center Drive, Suite 100  
Las Vegas, NV 89144

Dated this 4th day of January, 2021

  
Signature