

1 **NOA**

2 Robert Kern, Esq.
3 Nevada Bar Number 10104

4 **KERN LAW, Ltd.**

5 601 S. 6th Street
6 Las Vegas, NV 89101
7 (702) 518-4529 phone
8 (702) 825-5872 fax
9 Admin@KernLawOffices.com
10 Attorney for Defendants

Electronically Filed
Dec 07 2021 08:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

11 **IN THE EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 DOMINIQUE ARNOULD,

14 Plaintiff/Counter-Defendant,

15 vs.

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

20 Defendants/Counter-Claimants.

)
)
) Case Number: A-19-803488-B

) Dept. Number: 27
)
)

21 **NOTICE OF APPEAL**

22 Notice is hereby given that CLEMENT MUNNEY and CHEF EXEC SUPPLIERS,
23 LLC, Defendant(s) above named, hereby appeal to the Supreme Court of Nevada from the
24 Order, which is a final post-judgment order, entered and served in this action on the 16th day
25 of November, 2021.

26 DATED this 24th day of November, 2021.

27 KERN LAW

28 By: /s/ Robert Kern
Robert Kern Esq.
601 S. 6th Street
Las Vegas, NV 89101
(702) 518-4529
Attorney for Defendants

CASE SUMMARY**CASE NO. A-19-803488-B**

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

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Location: **Department 27**
 Judicial Officer: **Allf, Nancy**
 Filed on: **10/11/2019**
 Cross-Reference Case Number: **A803488**
 Supreme Court No.: **81354**
81355
81356
83641

CASE INFORMATION**Statistical Closures**

11/16/2021 Summary Judgment
 09/14/2021 Summary Judgment

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

Case
Status: **11/16/2021 Closed**

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

Case Number A-19-803488-B
 Court Department 27
 Date Assigned 10/11/2019
 Judicial Officer Allf, Nancy

PARTY INFORMATION

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

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

10/11/2019

















Complaint (Business Court)

Filed By: Counter Defendant Arnould, Dominique

[1] Complaint for Appointment of a Receiver or Dissolution of LLC; Declaratory Relief;
 Breach of Fiduciary Duty; and Damages














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10/11/2019	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Arnould, Dominique <i>[2] Initial Appearance Fee Disclosure</i>
10/11/2019	 Summons Electronically Issued - Service Pending Party: Counter Defendant Arnould, Dominique <i>[3] Summons - Civil</i>
10/11/2019	 Summons Electronically Issued - Service Pending Party: Counter Defendant Arnould, Dominique <i>[4] Summons - Civil</i>
10/14/2019	 Disclosure Statement Party: Counter Defendant Arnould, Dominique <i>[5] NRCP Rule 7.1 Disclosure Statement</i>
10/15/2019	 Acceptance of Service Filed By: Counter Defendant Arnould, Dominique <i>[6] Acceptance of Service</i>
11/07/2019	 Answer and Counterclaim Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[7] Answer and Counterclaims</i>
11/07/2019	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[8] Initial Appearance Fee Disclosure</i>
12/02/2019	 Answer to Counterclaim Filed By: Counter Defendant Arnould, Dominique <i>[9] Plaintiff Dominique Arnould's Answer to Defendants' Counterclaim</i>
12/06/2019	 Mandatory Rule 16 Conference Order <i>[10] Mandatory Rule 16 Conference</i>
12/09/2019	 Motion for Summary Judgment Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[11] Defendants' Motion for Partial Summary Judgment</i>
12/09/2019	 Affidavit Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[12] Affidavit in Support of Defendants Motion for Partial Summary Judgment</i>
12/09/2019	 Clerk's Notice of Hearing <i>[13] Notice of Hearing</i>
12/10/2019	 Motion for Appointment Filed By: Counter Defendant Arnould, Dominique <i>[14] Plaintiff Dominique Arnould's Motion for Appointment of Trustee</i>
12/10/2019	 Clerk's Notice of Hearing <i>[15] Notice of Hearing</i>

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CASE NO. A-19-803488-B

12/19/2019	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Arnould, Dominique <i>[16] Plaintiff Dominique Arnould's Opposition to Defendants Motion for Partial Summary Judgment</i>
12/20/2019	 Errata Filed By: Counter Defendant Arnould, Dominique <i>[17] Errata to Plaintiff Dominique Arnould's Opposition to Defendants' Motion for Partial Summary Judgment</i>
12/23/2019	 Opposition to Motion Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[18] Defendants' Opposition To Motion For Appointment Of Trustee</i>
12/27/2019	 Reply in Support Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[19] Defendant's Reply in Support of Summary Judgment</i>
12/31/2019	 Supplement to Opposition Filed By: Counter Defendant Arnould, Dominique <i>[20] Supplement to Plaintiff Dominique Arnould's Opposition to Motion for Partial Summary Judgment</i>
01/03/2020	 Notice of Compliance Party: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[21] Defendants' Notice of Compliance</i>
01/03/2020	 Notice of Compliance Party: Counter Defendant Arnould, Dominique <i>[22] Notice of Compliance</i>
01/08/2020	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[23] Plaintiff Dominique Arnould's Reply in Support of Motion for Appointment of Trustee</i>
01/17/2020	 Order Denying Motion Filed By: Counter Defendant Arnould, Dominique <i>[24] Order Denying Defendant's Motion for Summary Judgment</i>
01/17/2020	 Notice of Entry of Order Filed By: Counter Defendant Arnould, Dominique <i>[25] Notice of Entry of Order Denying Defendant's Motion for Summary Judgment</i>
03/09/2020	 Stipulation and Order Filed by: Counter Defendant Arnould, Dominique <i>[26] Stipulation and Order to Continue Hearing</i>
03/13/2020	 Motion for Partial Summary Judgment Filed By: Counter Defendant Arnould, Dominique <i>[27] Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution</i>
03/13/2020	 Clerk's Notice of Hearing















CASE SUMMARY

CASE NO. A-19-803488-B

	<i>[28] Notice of Hearing</i>
03/20/2020	 Opposition and Countermotion Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[29] Opposition to motion for summary judgment and counter-motion for enforcement of settlement agreement</i>
03/23/2020	 Clerk's Notice of Hearing <i>[30] Clerk's Notice of Hearing</i>
04/06/2020	 Opposition and Countermotion Filed By: Counter Defendant Arnould, Dominique <i>[31] Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement</i>
04/08/2020	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[32] Plaintiff Dominique Arnould's Reply in Support of Motion for Partial Summary Judgment</i>
04/13/2020	 Reply in Support Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[33] Defendants' Reply in Support of Countermotion for Enforcement Agreement, and Opposition to Motion to Strike</i>
05/13/2020	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[34] Plaintiff Dominique Arnould's Reply In Support of Counter-Motion to Strike Documents Related to Settlement</i>
05/20/2020	 Application Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[35] Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
05/20/2020	 Clerk's Notice of Hearing <i>[36] Notice of Hearing</i>
05/20/2020	 Amended <i>[37] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
05/20/2020	 Temporary Restraining Order Filed by: Counter Claimant Muney, Clement <i>[38] Temporary Restraining Order</i>
05/20/2020	 Application Filed By: Counter Claimant Muney, Clement <i>[39] Amended Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
05/21/2020	 Certificate of Mailing Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[40] Certificate of Mailing</i>
05/21/2020	 Notice of Entry of Order















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	<i>[41] Notice of Entry of Order</i>
05/21/2020	 Mandatory Rule 16 Conference Order <i>[42] Business Court Order to Appear for Mandatory 16. Conference</i>
05/22/2020	 Opposition and Countermotion Filed By: Counter Defendant Arnould, Dominique <i>[43] Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order</i>
05/22/2020	 Clerk's Notice of Hearing <i>[44] Notice of Hearing</i>
05/22/2020	 Notice of Change of Hearing <i>[45] Notice of Change of Hearing</i>
05/29/2020	 Recorders Transcript of Hearing <i>[46] Transcript of Proceedings, Motions, Heard on May 22, 2020</i>
06/05/2020	 Motion Filed By: Counter Defendant Arnould, Dominique <i>[47] Plaintiff's Motion to Select Receiver</i>
06/08/2020	 Clerk's Notice of Hearing <i>[48] Notice of Hearing</i>
06/08/2020	 Order <i>[49] Order</i>
06/08/2020	 Notice of Entry of Order Filed By: Counter Defendant Arnould, Dominique <i>[50] Notice of Entry of Order</i>
06/10/2020	 Request Filed by: Counter Defendant Arnould, Dominique <i>[51] Plaintiff's Emergency Request for Telephonic Hearing for an Appointment of Receiver to Take Over the Warehouse or for Order Allowing Access</i>
06/10/2020	 Response Filed by: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[52] Defendants Response to Arnould's Request for Emergency Hearing</i>
06/10/2020	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[53] Reply Declaration of Phil Aurbach in Support of Telephone Conference and Access to Warehouse</i>
06/12/2020	 Order <i>[54] Order</i>
06/12/2020	 Order <i>[55] Order Issuing Sanction</i>















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06/15/2020	 Notice of Appeal Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[56] Notice of Appeal</i>
06/15/2020	 Notice of Appeal Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[57] Notice of Appeal</i>
06/15/2020	 Notice of Appeal Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[58] Notice of Appeal</i>
07/14/2020	 Joint Case Conference Report Filed By: Counter Defendant Arnould, Dominique <i>[59] Joint Case Conference Report</i>
07/15/2020	 Amended Joint Case Conference Report Filed By: Counter Defendant Arnould, Dominique <i>[60] Amended Joint Case Conference Report</i>
07/21/2020	 Stipulation and Order <i>[61] Stipulation and Order to Employ Carlyon Cica</i>
07/28/2020	 Demand for Jury Trial Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[62] Demand for Jury Trial</i>
08/06/2020	 Scheduling and Trial Order <i>[63] Business Court Scheduling Order And Order Setting: (1) Civil Jury Trial; (2) Calendar Call; And Status Check</i>
08/11/2020	 Receiver Report Filed by: Receiver Bertsch, Larry <i>[64] Receiver's Preliminary Report and Recommendations</i>
08/14/2020	 Order Approving Filed By: Receiver Bertsch, Larry <i>[65] Order Approving Compensation of the Receiver and His Counsel Through July 31, 2020</i>
08/17/2020	 Notice of Entry of Order Filed By: Receiver Bertsch, Larry <i>[66] Notice of Entry of Order Approving Compensation of the Receiver and His Counsel through July 31, 2020</i>
08/21/2020	 Order Filed By: Counter Defendant Arnould, Dominique <i>[67] Order of Dissolution Payment of Fees and Other Orders</i>
09/04/2020	 Response Filed by: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[68] Defendants' Response to Receiver's Preliminary Report</i>
09/04/2020	 Response Filed by: Counter Defendant Arnould, Dominique














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	<i>[69] Dominique Arnould's Response to the Receiver's Report</i>
09/09/2020	 Request Filed by: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[70] Defendants' Emergency Request for Telephonic Hearing</i>
09/10/2020	 Document Filed <i>[71] Receiver's Rent Analysis</i>
09/28/2020	 Motion Filed By: Counter Defendant Arnould, Dominique <i>[72] Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Regarding Winding up the LLC on an Order Shortening Time</i>
09/29/2020	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[73] Opposition to Motion for Partial Summary Judgment</i>
10/02/2020	 Order Filed By: Counter Defendant Arnould, Dominique <i>[74] Order RE: Arnould's Motion for Winding Up the LLC</i>
10/22/2020	 Recorders Transcript of Hearing <i>[75] Transcript of Proceedings, Pending Motions, Heard on August 12, 2020</i>
11/02/2020	 Request <i>[76] REQUEST FOR TRANSCRIPT OF PROCEEDINGS</i>
11/16/2020	 Objection <i>[77] Non-Party CMJJ's Objection to Subpoena and Subpoena Duces Tecum</i>
11/17/2020	 Objection <i>[78] Non-Party Jeremy Mune's Objection to Subpoena and Subpoena Duces Tecum</i>
11/23/2020	 Objection <i>[79] Non-Party CMJJ's Objection to Amended Subpoena and Subpoena Duces Tecum</i>
11/23/2020	 Objection <i>[80] Non-Party Jeremy Mune's Objection to Amended Subpoena and Subpoena Duces Tecum</i>
12/07/2020	 Receiver Report Filed by: Receiver Bertsch, Larry <i>[81] Receiver's Final Report and Recommendations</i>
12/23/2020	 Motion Filed By: Counter Defendant Arnould, Dominique <i>[82] Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver</i>
12/24/2020	 Clerk's Notice of Hearing <i>[83] Notice of Hearing</i>
12/30/2020	 Stipulation and Order Filed by: Receiver Bertsch, Larry
















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	<i>[84] Stipulation and Order to Close Bank Account</i>
12/31/2020	 Notice of Entry Filed By: Receiver Bertsch, Larry <i>[85] Notice of Entry of Stipulation and Order to Close Company Bank Account</i>
01/05/2021	 Recorders Transcript of Hearing <i>[86] Transcript of Proceedings, Motions, Heard on June 12, 2020</i>
01/06/2021	 Opposition to Motion Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[87] Opposition to Motion to Approve Final Receivers Report</i>
01/08/2021	 Stipulation and Order Filed by: Counter Defendant Arnould, Dominique <i>[88] Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i>
01/08/2021	 Scheduling and Trial Order <i>[89] Business Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and (3) Status Check</i>
01/20/2021	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[90] Plaintiff's Reply in Support of its Motion to Approve Receiver's Final Report and Discharge Receiver</i>
01/28/2021	 Recorders Transcript of Hearing <i>[91] Transcript of Proceedings, Status Check: Receiver's Report, Heard on December 23, 2020</i>
01/29/2021	 Objection Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[92] Defendants' Objection to Receiver's Final Report</i>
02/06/2021	 Response Filed by: Receiver Bertsch, Larry <i>[93] Response to Defendants' Objection to Receiver's Final Report and Recommendations</i>
02/17/2021	 Order Filed By: Counter Defendant Arnould, Dominique <i>[94] Order</i>
02/18/2021	 Notice of Entry of Order Filed By: Counter Defendant Arnould, Dominique <i>[95] Notice of Entry of Order</i>
02/21/2021	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[96] Stipulation and Order to Extend Discovery and Continue Trial (Second Request)</i>
02/23/2021	 Scheduling and Trial Order <i>[97] Business Court Scheduling Order and Order Resetting: (1) Civil Jury Trial; (2) Calendar Call; and Status Check (Second Request)</i>


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CASE NO. A-19-803488-B

02/26/2021	 Stipulation and Order Filed by: Receiver Bertsch, Larry <i>[98] Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust</i>
03/01/2021	 Notice of Entry of Stipulation and Order Filed By: Receiver Bertsch, Larry <i>[99] Notice of Entry Stipulation and Order for Payment of Professional Fees of Receiver and For Release of Funds Held in Trust</i>
05/06/2021	 Motion to Stay Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[100] Motion for Stay of Proceedings Pending Appeal</i>
05/06/2021	 Clerk's Notice of Nonconforming Document <i>[101] Clerk's Notice of Nonconforming Document</i>
05/06/2021	 Motion to Stay Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[102] Motion for Stay Pending Appeal</i>
05/06/2021	 Clerk's Notice of Hearing <i>[103] Notice of Hearing</i>
05/17/2021	 Affidavit of Service <i>[104] Affidavit of Service</i>
05/17/2021	 Affidavit of Service <i>[105] Affidavit of Service</i>
05/20/2021	 Opposition to Motion Filed By: Counter Defendant Arnould, Dominique <i>[106] Dominique Arnould's Opposition to Defendants' Motion for Stay Pending Appeal</i>
05/26/2021	 Reply in Support Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[107] Reply in Support of Motion for Stay of Proceedings Pending Appeal</i>
06/14/2021	 Motion for Summary Judgment Filed By: Counter Defendant Arnould, Dominique <i>[108] Plaintiff. Dominique Arnould's Motion for Summary Judgment</i>
06/14/2021	 Clerk's Notice of Hearing <i>[109] Notice of Hearing</i>
06/17/2021	 Order Filed By: Counter Defendant Arnould, Dominique <i>[110] Order Denying Defendants/ Counter- Claimants' Motion for Stay Pending Appeal</i>
06/18/2021	 Notice of Rescheduling of Hearing <i>[111] Notice of Rescheduling of Hearing</i>
06/24/2021	 Opposition to Motion

CASE SUMMARY

CASE NO. A-19-803488-B

	<p>Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[112] Opposition to Plaintiff's Motion for Summary Judgment</i></p>
07/02/2021	<p> Mandatory Pretrial Disclosure Party: Counter Defendant Arnould, Dominique <i>[113] Plaintiff/ Counter-Defendant Dominique Arnould's Pretrial Disclosures Pursuant to NRCp 16.1(a)(3)</i></p>
07/09/2021	<p> Motion to Compel Filed By: Counter Claimant Muney, Clement <i>[114] Motion to Compel Discovery Responses</i></p>
07/09/2021	<p> Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[115] Plaintiff, Dominique Arnould's Reply in Support of Motion for Summary Judgment</i></p>
07/09/2021	<p> Clerk's Notice of Hearing <i>[116] Notice of Hearing</i></p>
07/13/2021	<p> Stipulation and Order Filed by: Counter Defendant Arnould, Dominique <i>[117] Stipulation and Order to Continue Hearing on Motion for Summary Judgment Hearing</i></p>
07/24/2021	<p> Opposition and Countermotion Filed By: Counter Defendant Arnould, Dominique <i>[118] Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions</i></p>
07/29/2021	<p> Order Filed By: Counter Defendant Arnould, Dominique <i>[119] Order Re: Calendar Call on July 22, 2021</i></p>
09/07/2021	<p> Objection Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[120] Defendants' Objections to Post Judgment Subpoena Duces Tecum</i></p>
09/07/2021	<p> Motion for Protective Order Filed By: Counter Claimant Muney, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[121] (11/24/21 Withdraw) Motion for Protective Order from Post Judgment Subpoena Duces Tecum</i></p>
09/08/2021	<p> Clerk's Notice of Hearing <i>[122] Notice of Hearing</i></p>
09/10/2021	<p> Findings of Fact, Conclusions of Law and Order Filed By: Counter Defendant Arnould, Dominique <i>[123] Findings of Fact, Conclusions of Law, and Order</i></p>
09/13/2021	<p> Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Counter Defendant Arnould, Dominique <i>[124] Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i></p>
09/14/2021	<p> Judgment Filed By: Counter Defendant Arnould, Dominique</p>

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CASE NO. A-19-803488-B

[125] \$6,303.93 Judgment in Favor of Dominique Arnould and Against Clement Mune

09/21/2021



Notice of Entry of Judgment

Filed By: Counter Defendant Arnould, Dominique

[126] Notice of Entry of \$6,303.93 Judgment in Favor of Dominique Arnould and Against Clement Mune

09/21/2021



Memorandum of Costs and Disbursements

Filed By: Counter Defendant Arnould, Dominique

[127] Plaintiff's Verified Memorandum of Costs

09/21/2021



Opposition to Motion

Filed By: Counter Defendant Arnould, Dominique

[128] Plaintiff Dominique Arnould's Opposition to Defendants' Motion for Protective Order from Post Judgment Subpoena Duces Tecum

09/24/2021



Motion to Retax

Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC

[129] Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs

09/24/2021



Clerk's Notice of Hearing

[130] Notice of Hearing

09/27/2021



Reply in Support

Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC

[131] Reply in Support of Motion for Protective Order From Post Judgment Subpoena Duces Tecum

09/28/2021



Motion for Attorney Fees

Filed By: Counter Defendant Arnould, Dominique

[132] Plaintiff's Motion for Attorneys' Fees

09/28/2021



Clerk's Notice of Hearing

[133] Notice of Hearing

10/01/2021



Notice of Change of Hearing

[134] Notice of Change of Hearing

10/08/2021



Opposition to Motion

Filed By: Counter Defendant Arnould, Dominique

[135] Opposition to Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs

10/08/2021



Opposition to Motion

Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC

[136] Defendants' Opposition to Motion for Attorneys' Fees

10/08/2021



Notice of Appeal

Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC

[137] Notice of Appeal

10/12/2021











NV Supreme Court Clerks Certificate/Judgment - Dismissed

[138] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

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10/29/2021	 Reply in Support Filed By: Counter Defendant Arnould, Dominique <i>[139] Plaintiff's Reply in Support of Motion for Attorneys' Fees</i>
11/02/2021	 Notice of Hearing <i>[140] Notice of Hearing</i>
11/02/2021	 Notice of Hearing <i>[141] Notice of Hearing</i>
11/02/2021	 Notice of Hearing <i>[142] Notice of Hearing</i>
11/09/2021	 Notice of Change of Hearing <i>[143] Notice of Change of Hearing</i>
11/10/2021	 Order Granting Motion Filed By: Counter Defendant Arnould, Dominique <i>[144] Order Granting Dominique Arnould s Motion for Attorney Fees Against Clement Mune</i>
11/15/2021	 Notice of Change of Hearing <i>[145] Notice of Change of Hearing</i>
11/16/2021	 Notice of Entry of Order Filed By: Counter Defendant Arnould, Dominique <i>[146] Notice of Entry of Order</i>
11/16/2021	 Judgment Filed By: Counter Defendant Arnould, Dominique <i>[147] Judgment in Favor of Dominique Arnould and Against Clement Mune</i>
11/16/2021	 Notice of Entry of Judgment Filed By: Counter Defendant Arnould, Dominique <i>[148] Notice of Entry of Judgment in Favor of Dominique Arnould and Against Clement Mune</i>
11/17/2021	 Recorders Transcript of Hearing <i>[149] Transcript of Proceedings, Motions, Heard on November 4, 2021</i>
11/24/2021	 Notice of Appeal Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC <i>[150] Notice of Appeal</i>
11/24/2021	 Stipulation and Order Filed by: Counter Defendant Arnould, Dominique <i>[151] Stipulation and Order</i>
11/24/2021	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Arnould, Dominique <i>[152] Notice of Entry of Stipulation and Order</i>
11/24/2021	 Findings of Fact, Conclusions of Law and Order

CASE SUMMARY


CASE NO. A-19-803488-B

Filed By: Counter Claimant Mune, Clement; Counter Claimant Chef Exec Suppliers, LLC
[153] Findings Of Fact And Conclusions Of Law And Order Granting In Part And Denying In
Part Defendants' Motion To Retax Costs

DISPOSITIONS

- 06/12/2020 **Sanctions** (Judicial Officer: Allf, Nancy)
Debtors: Robert Kern, ESQ. (Other)
Creditors: Clark County Law Foundation (Other), Legal Aid Center of Southern Nevada (Other),
Clark County Library (Other), Nevada Law Foundation (Other), Southern Nevada Senior Law
Project (Other)
Judgment: 06/12/2020, Docketed: 06/18/2020
Total Judgment: 100.00
- 09/14/2021 **Judgment** (Judicial Officer: Allf, Nancy)
Debtors: Clement Mune (Defendant)
Creditors: Dominique Arnould (Plaintiff)
Judgment: 09/14/2021, Docketed: 09/15/2021
Total Judgment: 6,303.93
- 10/12/2021 **Clerk's Certificate** (Judicial Officer: Allf, Nancy)
Debtors: Clement Mune (Defendant), Chef Exec Suppliers, LLC (Defendant)
Creditors: Dominique Arnould (Plaintiff)
Judgment: 10/12/2021, Docketed: 10/12/2021
Comment: Supreme Court No. 81354 " Appeal Dismissed"
- 11/10/2021 **Order** (Judicial Officer: Allf, Nancy)
Debtors: Clement Mune (Defendant)
Creditors: Dominique Arnould (Plaintiff)
Judgment: 11/10/2021, Docketed: 11/12/2021
Total Judgment: 199,985.00
- 11/16/2021 **Judgment Plus Interest** (Judicial Officer: Allf, Nancy)
Debtors: Clement Mune (Defendant)
Creditors: Dominique Arnould (Plaintiff)
Judgment: 11/16/2021, Docketed: 11/17/2021
Total Judgment: 199,985.00
- 11/24/2021 **Order** (Judicial Officer: Allf, Nancy)
Debtors: Clement Mune (Defendant), Chef Exec Suppliers, LLC (Defendant)
Creditors: Dominique Arnould (Plaintiff)
Judgment: 11/24/2021, Docketed: 11/29/2021
Total Judgment: 5,984.46

HEARINGS

- 01/09/2020 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer: Allf, Nancy)
Matter Continued;
case settled
- 01/09/2020 **Motion for Partial Summary Judgment** (10:30 AM) (Judicial Officer: Allf, Nancy)
Defendants' Motion for Partial Summary Judgment
Denied;
- 01/09/2020  **All Pending Motions** (10:30 AM) (Judicial Officer: Allf, Nancy)
Matter Heard;
Journal Entry Details:
*MANDATORY RULE 16 CONFERENCE...DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT Upon inquiry of Court if there was a Countermotion, Mr. Aurbach
stated there was not, however there is a Motion for Appointment of Trustee set on January 15,
2020 that is related. Colloquy regarding whether matters should be heard together and Court's
preliminary ruling. Arguments by counsel regarding the merits of and opposition to the
motion. Court stated its findings and ORDERED, Defendants' Motion for Partial Summary*

CASE SUMMARY

CASE NO. A-19-803488-B

Judgment DENIED. Colloquy regarding how to proceed in case and if parties would like a settlement conference. CONFERENCE AT THE BENCH. Court stated the Motion for Appointment of Trustee is set for January 15, 2020, that matter may or may not be continued at request of counsel, at the time of the hearing counsel are to give Court direction with how they wish to proceed with a mandatory settlement conference, counsel are to provide Court with their availability as well as their clients by end of the day on January 13, 2020 for a settlement conference to be set. COURT ORDERED, Mandatory Rule 16 Conference CONTINUED to be heard at the time of Plaintiff's Motion for Appointment of Trustee. Mr. Aurbach to prepare the order and submit it to opposing counsel for approval. ;

02/07/2020



Settlement Conference (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Matter Settled;

Journal Entry Details:

The above-referenced matter came on for a settlement conference with Judge Williams on February 7, 2020. The Plaintiff, Dominique Arnould, was present and represented by Philip Aurbach, Esq. and Alexander Calaway Esq. The Defendant, Clement Mune, was present and represented by Robert Kern, Esq. The Defendant, Chef Exec Suppliers, was present through Clement Mune and Jeremy Mune, and represented by Robert Kern, Esq. The parties have agreed to a settlement and resolution of all claims. The parties and their attorneys will work together in good faith to prepare and execute all necessary settlement documents, including a Settlement Agreement to include the agreed terms, and a Stipulation and Order of Dismissal of All Claims. It is the intention of the parties that this Settlement will resolve any and all claims among or between the parties to this lawsuit. Each party is to bear its own attorney's fees and costs. The case is now referred back to the originating department for further handling and closure.;

02/20/2020

CANCELED Motion for Appointment (10:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

Plaintiff Dominique Arnould's Motion for Appointment of Trustee

03/27/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Motion for Appointment of Receiver and Mandatory Rule 16 Conference set 4/1/2020 VACATED

Minute Order - No Hearing Held; Minute Order: Motion for Appointment of Receiver and Mandatory Rule 16 Conference set 4/1/2020 VACATED

Journal Entry Details:

COURT FINDS after review the Motion for Appointment of Receiver along with a Mandatory Rule 16 Conference are currently set for hearing for April 1, 2020 at 9:30 a.m. on Motions Calendar. COURT FURTHER FINDS after review the matter settled through a judicial settlement conference conducted on or about February 7, 2020. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant the matters set for April 1, 2020 shall be VACATED. A Status Check on settlement documents shall be set for April 21, 2020 on Chambers Calendar. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/27/2020;

03/30/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review the Motion for Appointment of Receiver along with a Mandatory Rule 16 Conference are currently set for hearing for April 1, 2020 at 9:30 a.m. on Motions Calendar. COURT FURTHER FINDS after review the matter settled through a judicial settlement conference conducted on or about February 7, 2020. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant the matters set for April 1, 2020 shall be VACATED. A Status Check on settlement documents shall be set for April 28, 2020 on Chambers Calendar. CLERK S NOTE: A copy of this minute order was distributed via the E-Service Master List. /lg 3-30-20;

04/01/2020

CANCELED Motion for Appointment of Receiver (9:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

04/01/2020


CANCELED Mandatory Rule 16 Conference (9:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

CASE SUMMARY

CASE NO. A-19-803488-B

04/14/2020

 **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;


Journal Entry Details:

COURT FINDS after review Plaintiff's Motion for Partial Summary Judgment was filed on March 13, 2020. Defendant's Opposition and Countermotion for Enforcement of Settlement Agreement was filed on March 20, 2020. The matters were set for hearing for April 15, 2020 at 10:30 a.m. but were subsequently inadvertently vacated. COURT FURTHER FINDS after review pursuant to Administrative Order 20-01 in response to COVID-19 concerns, all currently scheduled non-essential District Court hearings are ordered to be conducted by video or telephone means, decided on the papers, or rescheduled unless otherwise directed by a District Court Judge. THEREFORE, COURT ORDERS for good cause appearing and after review Plaintiff's Motion for Partial Summary Judgment, together with Defendant's Countermotion for Enforcement of Settlement Agreement, are hereby CONTINUED to May 20, 2020 at 10:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm;

04/21/2020

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

04/28/2020


 **Status Check: Settlement Documents (3:00 AM)** (Judicial Officer: Allf, Nancy)

Matter Continued;

Journal Entry Details:

COURT FINDS after review a Status Check on settlement documents is set on Chambers Calendar for April 28, 2020. COURT ORDERS for good cause appearing and after review the Status Check set for April 28, 2020 is hereby CONTINUED to May 20, 2020 at 10:30 a.m. CONTINUED TO 5/20/2020 10:30 AM CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/29/2020;

04/30/2020

 **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)


Minute Order: Plaintiff's MOTion for Appointment of Trustee RESET to 5/20/2020

Minute Order - No Hearing Held; Minute Order: Plaintiff's MOTion for Appointment of Trustee RESET to 5/20/2020

Journal Entry Details:

COURT FINDS after review Plaintiff's Motion for Appointment of Trustee was inadvertently vacated due to the notification of settlement. THEREFORE, COURT ORDERS for good cause appearing and after Plaintiff's Motion for Appointment of Trustee is hereby CONTINUED to May 20, 2020 at 10:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/30/2020;

05/18/2020

 **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order: Matters set 5/20/2020 CONTINUED to 6/24/2020

Minute Order - No Hearing Held; Minute Order: Matters set 5/20/2020 CONTINUED to 6/24/2020

Journal Entry Details:

COURT FINDS after review the Plaintiff Dominique Arnould's Motion for Appointment of Trustee filed December 10, 2019, Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution filed March 13, 2020, Defendant's Opposition to Motion for Partial Summary Judgment and Counter-Motion for Enforcement of Settlement Agreement filed March 20, 2020, and Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement filed April 6, 2020 were set for Motions Calendar on May 20, 2020. COURT FURTHER FINDS after review pursuant to Administrative Order 20-01 in response to COVID-19 concerns, all currently scheduled non-essential District Court hearings are ordered to be conducted by video or telephone means, decided on the papers, or rescheduled unless otherwise directed by a District Court Judge. Moreover, Administrative Order 20-13 provides that AO 20-01 will remain in effect and all deadlines provided therein will be extended unless modified or rescinded by a subsequent order. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to Administrative Orders 20-01 and 20-13, the matters set for hearing on May 20, 2020 is hereby CONTINUED to June 24,

CASE SUMMARY

CASE NO. A-19-803488-B

2020 at 10:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/18/2020 ;

05/22/2020

Motion for Temporary Restraining Order (1:00 PM) (Judicial Officer: Allf, Nancy)
Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction

05/22/2020

Opposition and Countermotion (1:00 PM) (Judicial Officer: Allf, Nancy)
Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order

05/22/2020



All Pending Motions (1:00 PM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction...Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order All appearances made via BlueJeans teleconferencing software. Court stated it signed the Temporary Restraining Order, not because Court was convinced it was appropriate, but to stabilize the business. Court further stated matter was set on shortened time. Arguments by Mr. Kern and Mr. Aurbach regarding the merits of and opposition to the pending motion and countermotion. Colloquy between Court and Mr. Aurbach regarding his request for appointment of a receiver with limited powers and status of the financials. Mr. Kern requested to file responsive affidavits by Monday for Court's review prior to Court's ruling. Colloquy regarding the viability of the company. COURT ORDERED, Temporary Restraining Order DISSOLVED, motion to enforce the settlement DENIED WITHOUT PREJUDICE, receiver APPOINTED for a limited purpose, and status quo to remain in place. Court directed counsel to work together to craft what the limited powers of the receiver will be. Upon inquiry of Court if there is a possibility of splitting the company, Mr. Aurbach stated not at this time. Mr. Kern requested findings of fact and conclusions of the law as to Court's ruling. Court directed Mr. Aurbach and Mr. Calaway to prepare the order and include findings of fact and conclusions of law consistent with Court's ruling. Colloquy whether there was a standard of care seeking financing. Court stated it would make a legal finding that the Temporary Restraining Order was procedurally improper. Colloquy regarding pending motions on June 24, 2020 for appointment of trustee and enforcing of settlement. Court stated the matters will remain on calendar with the hope of a preliminary report from receiver and parties can request an earlier Court date if needed.;

06/10/2020



Hearing (1:30 PM) (Judicial Officer: Allf, Nancy)

06/10/2020, 06/12/2020

Request for Emergency hearing

Granted;

Matter Continued;

Journal Entry Details:

Court noted the time as 1:38 p.m. and that there is no one present for Defendant. Upon inquiry of Court if Mr. Calaway has heard from Defense counsel, Mr. Calaway stated only through the communication with Court's Law Clerk that Mr. Kern couldn't appear due to a Supreme Court argument. Court noted it reviewed the Supreme Court docket and there are only three matters set for half an hour hearings. Arguments by Mr. Calaway regarding Plaintiff advising Defendant he needed access to the warehouse, Plaintiff driving a truck from California to find the locks on the warehouse changed, and Plaintiff being denied access to the warehouse. Mr. Calaway requested access to the warehouse for Plaintiff and advised an order has been sent over the Court. Further arguments by Mr. Aurbach requesting an immediate receiver or letting Plaintiff in the warehouse to obtain what he needs. Court stated it cannot make a decision until it has heard both sides and then it would be prepared to act appropriately after it has. Colloquy regarding continuing matter and advancing the July 5, 2020 matter for appointment of trustee. COURT ORDERED, matter CONTINUED, Plaintiff Dominique Arnould's Motion for Appointment of Trustee set July 5, 2020 CONTINUED to June 12, 2020 at 12:30 p.m. CONTINUED TO 6/12/2020 12:30 PM ;

Granted;

Matter Continued;

06/11/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

CASE SUMMARY

CASE NO. A-19-803488-B

Minute Order: Requested for Emergency Hearing set 6/10/2020 CONTINUED to 6/12/2020
Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review on June 5, 2020, Plaintiff's Motion to Select Receiver was filed. The matter was set for July 9, 2020 at 10:00 a.m. COURT FURTHER FINDS after review on June 10, 2020, Plaintiff's Emergency Request for Telephonic Hearing For Appointment of Receiver To Take Over The Warehouse Or For Order Allowing Access (the Emergency Request) was filed. A preliminary hearing took place on June 10, 2020, where the Court determined a continuance was warranted. THEREFORE, COURT ORDERS for good cause appearing and after review Plaintiff's Motion to Select Receiver will be RESET to June 12, 2020 at 12:30 p.m. Moreover, Plaintiff's Emergency Request is hereby CONTINUED to June 12, 2020 at 12:30 p.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/11/2020;

06/12/2020

Motion (12:30 PM) (Judicial Officer: Allf, Nancy)

Plaintiff's Motion to Select Receiver

Granted;

06/12/2020



All Pending Motions (12:30 PM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION TO SELECT RECEIVER...REQUEST FOR EMERGENCY HEARING Upon inquiry of Court regarding why Mr. Kern did not attend the previous hearing, Mr. Kern stated he had a supreme court argument, there was no possibility to reschedule, and he also had drive time. Mr. Kern further stated he wrote an opposition in ten minutes. Arguments by Mr. Calaway, Mr. Kern, and Mr. Calaway regarding possible receiver candidates. Mr. Kern stated he was not opposed to immediate appointment of a receiver. Upon inquiry of Court regarding the locks on the warehouse being changed, Mr. Kern stated the locks were changed after Plaintiff declared the settlement over. Mr. Kern further stated his client does not have access to the Los Angeles warehouse and Plaintiff should not have access to the Las Vegas warehouse. COURT ORDERED, Plaintiff's Motion to Select a Receiver GRANTED, Mr. Birch APPOINTED as receiver, Plaintiff will have access to the Las Vegas storage warehouse and Defendant will have to pay for security when the Plaintiff goes to the warehouse, Plaintiff will be allowed to access the warehouse today with the logistics to be worked out between the parties, and the receiver is ORDERED to change the locks on both warehouses. As to Mr. Kern's failure to appear at the last hearing, COURT FURTHER ORDERED, Mr. Kern SANCTIONED in the amount of \$100.00 payable to Nevada Legal Services, Clark County Library, or the Legal Aid Center of Southern Nevada with proof of payment to be filed within ten days. Plaintiff to prepare the order. Court further stated if counsel cannot agree on order then parties should request a telephonic next week. Mr. Aurbach stated an order has already been entered regarding the limited powers of the receiver and requested Court extend the powers of the receiver to control the warehouse. Court stated it has ordered the receiver to change the locks, parties are to work on the language of the order, and if they cannot agree then set a telephonic can be set. Court further stated it would prepare the order for the \$100.00 sanction. ;

06/19/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance


Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Motions Set: June 24, 2020 at 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 386 251 956 Meeting URL: <https://bluejeans.com/386251956> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may

CASE SUMMARY

CASE NO. A-19-803488-B

play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/19/2020 ;

- | | |
|------------|--|
| 06/24/2020 | <p>Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy)
 <i>Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution</i>
 Denied Without Prejudice;</p> |
| 06/24/2020 | <p>CANCELED Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy)
 <i>Vacated - Previously Decided</i>
 <i>Defendant's Opposition to Motion for Partial Summary Judgment and Counter-Motion for Enforcement of Settlement Agreement</i></p> |
| 06/24/2020 | <p>CANCELED Motion for Appointment (10:30 AM) (Judicial Officer: Allf, Nancy)
 <i>Vacated - Previously Decided</i>
 <i>Plaintiff Dominique Arnould's Motion for Appointment of Trustee</i></p> |
| 06/24/2020 | <p>CANCELED Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy)
 <i>Vacated - Previously Decided</i>
 <i>Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement</i></p> |
| 06/24/2020 | <p>Mandatory Rule 16 Conference (10:30 AM) (Judicial Officer: Allf, Nancy)
 06/24/2020, 07/22/2020
 Matter Continued;
 Matter Heard;
 Matter Continued;
 Matter Heard;</p> |
| 06/24/2020 | <p> All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)
 Matter Heard;
 Journal Entry Details:
 PLAINTIFF DOMINIQUE ARNOULD'S MOTION FOR PARTIAL SUMMARY JUDGMENT FOR JUDICIAL DISSOLUTION...MANDATORY RULE 16 CONFERENCE All appearances made via the BlueJeans Videoconferencing Application Court stated it intends to wait until it hears from the receiver before it considers dissolution. Upon inquiry of Court if counsel have been in contact with the receiver, Mr. Calaway stated they have contacted the receiver, he has made some requests, and they have already provided the receiver access to quick books. Mr. Kern stated they have been contact with receiver and are continuing contact so they can provide him with what he needs. Colloquy regarding dissolution and the motion for summary judgment. Court stated it could either deny the motion without prejudice or defer the matter until a preliminary report has been provided from the receiver. Mr. Calaway stated he had no issue with setting the matter out for a preliminary report from the receiver. Mr. Kern stated he would prefer the motion be denied without prejudice. COURT ORDERED, Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution DENIED WITHOUT PREJUDICE, status check for preliminary report SET, Court directed Mr. Kern to prepare the order, include the status report date, and serve the order to the receiver at time it is provided to Mr. Calaway for review. Upon inquiry of Court if counsel have exchanged initial disclosures, counsel stated they had. Upon inquiry of Court if parties have agreed on a close of discovery or filed a Joint Case Conference Report (JCCR), counsel stated they had not. COURT ORDERED, Mandatory Rule 16 Conference CONTINUED for counsel to file a JCCR and set a date for close of discovery. COURT FURTHER ORDERED, discovery may begin at this time. 7/22/2020 9:30 AM MANDATORY RULE 16 CONFERENCE...STATUS CHECK: RECEIVER REPORT;</p> |

CASE SUMMARY

CASE NO. A-19-803488-B

07/21/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on July 22, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/21/2020. ;

07/22/2020



Status Check (9:30 AM) (Judicial Officer: Allf, Nancy)

07/22/2020, 08/12/2020

Status Check: Receiver's Report

Matter Continued;

Matter Heard;

Journal Entry Details:

Court noted it had read the report filed by the receiver. Mr. Aurbach stated they need to make sure the business is not reasonably practicable to carry on. Mr. Kern stated that it is impracticable of running the company the way it is and a dissolution that splits the company might be applicable. Mr. Aurbach requested an order for dissolution. Statements by receiver regarding dissolution, that the date to split the company be set for August 31, 2020 and that parties then file their tax returns making distributions. Mr. Aurbach stated he and Mr. Kern could try to complete dissolution using the template Mr. Bertsch has provided and then any disagreements could be addressed before the court at an evidentiary hearing. Mr. Kern agreed. Colloquy regarding matters that need to be paid, dissolution, settlement conference set before the Supreme Court on September 17, 2020, ongoing invoices, and payment of Mr. Bertsch. COURT ORDERED, undisputed rent of July and August of \$5,700.00 needs to be paid subject to being evened up later, if there is not sufficient case in the business then parties will need to each pay one half of the amount, Mr. Bertsch's invoice system will be adopted with regard to ongoing invoices, status check SET September 23, 2020, and if there is a potential for dissolution at the end of September then that will be a stop gap. Mr. Bertsch advised the Court that his fees were to be paid one-half by each of the parties and should not come out of the Chef Exec Suppliers LLC funds. COURT SO ORDERED. Court directed Ms. O'Steen to prepare the order approving the fees in accordance with the representation of Mr. Bertsch, and Mr. Aurbach to prepare the order with regard to the invoice system, the undisputed rent, and the payment. 9/23/2020 9:30 AM STATUS CHECK: STATUS OF CASE/DISSOLUTION;

Matter Continued;

Matter Heard;

07/22/2020



All Pending Motions (9:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

CASE SUMMARY

CASE NO. A-19-803488-B

STATUS CHECK: RECEIVER'S REPORT...MANDATORY RULE 16 CONFERENCE All appearances made via the BlueJeans Videoconferencing Application. Ms. O'Steen stated Mr. Bertsch has made progress on his findings however, he is asking for three weeks for a final report on file. Upon inquiry of Court if there was any objection, counsel had no objection. COURT ORDERED, matter CONTINUED. As to the rule 16 conference, Court noted there has been an Amended Joint Case Conference Report with a close of discovery of January 12, 2021. Upon inquiry of Court if that date was still viable, counsel stated it was. Court stated it would issue a trial order by the end of next week. Colloquy regarding status of discovery. CONTINUED TO: 8/12/2020 9:30 AM STATUS CHECK: RECEIVER'S REPORT;

08/07/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on August 12, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/7/2020. ;

09/10/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held;

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on September 10, 2020 at 3:00 p.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in

CASE SUMMARY

CASE NO. A-19-803488-B

and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/10/2020 ;

09/10/2020



Telephonic Conference (3:00 PM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Colloquy regarding payments of undisputed portion of rent and emergency request for hearing. Court stated the order directs that undisputed rent gets paid on a going forward basis and ORDERED, request for relief to Mr. Muney DENIED. Court stated if there is a order shortening time the issues can be briefed.;

09/18/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Blue Jeans Appearance

Minute Order - No Hearing Held; Minute Order: Blue Jeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on September 23, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/18/2020. ;

09/23/2020



Status Check (9:30 AM) (Judicial Officer: Allf, Nancy)

Status Check: Status of Case/Dissolution

Matter Heard;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Mr. Calaway stated the receiver has not furnished a final report however he understands he is getting close. Mr. Kern agreed. Mr. Bertsch updated Court as to the division of accounts receivable, inventory and other matters. Colloquy regarding time needed to provide Receiver's final report. Court directed Mr. Bertsch's counsel to request a return date for a status check when the final report is filed and give both parties sufficient time to respond. Mr. Bertsch requested the fees paid by counsel be treated as capital contributions. No objection by counsel. Court stated Mr. Bertsch could take that into account.;

09/29/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on September 30,

CASE SUMMARY

CASE NO. A-19-803488-B

2020 at 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/29/2020;

09/30/2020



Motion for Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy)

Plaintiff Dominique Arnould's Motion for Partial Summary Judgment Re; Winding Up the LLC on Order Shortening Time

No Ruling;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing application. Mr. Aurbach noted that items have been agreed to and addressed the customer list and a portion of the accounts receivable. Ms. O'Steen stated Mr. Bertsch is close to a final report and needs two more weeks. Colloquy regarding dissolution of company and creation of individual companies, and there being a non-compete order or mailing of a letter to customers regarding dissolution of the company. Further colloquy regarding the issues. Court stated it would be unwilling to enter a non-compete order, however Court would agree to a letter being sent to the customers. Mr. Kern placed his objections to there not being a non-compete order however, he would agree to sending a letter due there not being an agreement on the non-compete order. Colloquy regarding company dissolution letter to customers. Court directed Mr. Aurbach to prepare an order including the items parties agree on and ORDERED, matter SET for status check on Receiver's Report. 10/21/2020 10:30 AM STATUS CHECK: RECEIVER'S REPORT;

10/16/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on October 21, 2020 at 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL:

<https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system

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before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /10/16/2020.;

10/27/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on November 4, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL:

<https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 10/27/2020 ;

12/10/2020

CANCELED Status Check (10:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

12/22/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on December 23, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL:

<https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already

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received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/22/2020;

12/23/2020



Status Check (9:30 AM) (Judicial Officer: Allf, Nancy)

Status Check: Receiver's Report

Minute Order - No Hearing Held;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Court stated it read the receiver's report. Mr. Kern stated he has issues with the report and would like to file an objection. Court stated Mr. Kern would have until January 31, 2021 to file an objection. Mr. Calaway stated he will be filing a motion to approve the report. Court directed Mr. Calaway to file the motion after the January 31, 2021 deadline.;

01/26/2021



Minute Order (9:55 AM) (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review that on December 23, 2020 Plaintiff filed Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver ("Motion to Approve Receiver's Final Report"). COURT FURTHER FINDS after review that on January 6, 2021, an Opposition to the Motion to Approve Receiver's Final Report was filed. COURT FURTHER FINDS after review that on January 20, 2021, a Reply to the Motion to Approve Receiver's Final Report was filed. COURT FURTHER FINDS after review that on December 23, 2020, Mr. Kern stated he had issues with the Receiver's report and would like to file an objection. The Court stated Mr. Kern would have until January 31, 2021 to file an objection. Mr. Calaway stated he will be filing a motion to approve the report. The Court directed Mr. Calaway to file the motion after the January 31, 2021 deadline. THEREFORE COURT ORDERS for good cause appearing and after review that the hearing set for Wednesday, January 27, 2021 is hereby CONTINUED to Wednesday, February 10, 2021 at 10:00a.m. on Motions Calendar. The scheduled hearing will be conducted remotely through BlueJeans videoconferencing. The BlueJeans link will be sent to the parties prior to the hearing. CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties of Odyssey File and Serve./ke 01/26/21;

02/09/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on February 10, 2021, at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called

CASE SUMMARY

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shortly. Again, please keep your phone or computer mic on MUTE until your case is called.
CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/9/2021 ;

02/10/2021



Motion (10:00 AM) (Judicial Officer: Allf, Nancy)

Plaintiff's Motion to Approve Receiver's Final Report and Discharge Receiver

Granted;

Journal Entry Details:

All appearances made by the BlueJeans Videoconferencing Application. Arguments by Mr. Calaway, Mr. Kern, and Ms. O'Steen regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion to Approve Reciever's Final Report and Discharge Receiver GRANTED in all respects, objections are reserved for the time of trial; receiver DISCHARGED, and any bond to be refunded back to him. Colloquy regarding issues of closing the bank account of the company and tranfering the funds. COURT ORDERED, status check SET in thirty days, for Mr. Kern to give a report on the account, if the matter is resolved then the status check may be vacated. 2/24/2021 10:00 AM STATUS CHECK: BANK ACCOUNT ISSUES;

02/23/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held;

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on February 24, 2021, at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/23/2021 ;

02/24/2021



Status Check (10:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Bank Account Issues

Minute Order - No Hearing Held;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Colloquy regarding the bank account, closing of said bank account, process of signing over the account. Ms. O'Steen stated they did receive the funds from the account and requested permission to apply those funds to the outstanding fees for Mr. Bertsch. Court stated it could not consider an oral motion, a stipulation could be provided or a written request could be made. Mr. Calaway stated they would be open to a stipulation as to payment and timing. Matter concluded.;

04/15/2021

CANCELED Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

04/19/2021


CANCELED Jury Trial (10:30 AM) (Judicial Officer: Allf, Nancy)


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Vacated

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

06/04/2021  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)
Minute Order: Continuance of matter set on June 17, 2021
Minute Order - No Hearing Held; Minute Order: Continuance of matter set on June 17, 2021
Journal Entry Details:
Due to Court's unavailability on June 17, 2021, COURT ORDERS Status Check: Trial Readiness CONTINUED to June 18, 2021 at 9:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/4/2021.;

06/08/2021  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)
Minute Order: BlueJeans Appearances
Minute Order - No Hearing Held; Minute Order: BlueJeans Appearances
Journal Entry Details:
Department 27 Information to Appear Telephonically Re: Matter set on June 9, 2021, 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/8/2021. ;

06/09/2021  **Motion For Stay** (9:30 AM) (Judicial Officer: Allf, Nancy)
Defendants' Motion for Stay Pending Appeal
Denied;
Journal Entry Details:
Tabiha Martinez, Esq. present for Plaintiff. Counsel present via BlueJeans. Following arguments by Mr. Kern and Ms. Martinez, COURT ORDERED, Defendants' Motion for Stay Pending Appeal DENIED. Court noted it does not think it is appropriate to stay the case and trial can proceed on the 2nd claim for relief. Ms. Martinez to prepare the order and run it by Mr. Kern as to form.;

06/18/2021  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)
Minute ORder: Status Check on 6/18/2021 VACATED
Minute Order - No Hearing Held; Minute ORder: Status Check on 6/18/2021 VACATED

CASE SUMMARY

CASE NO. A-19-803488-B

Journal Entry Details:

COURT FINDS after review that on February 22, 2021 a status check was entered for June 17, 2021 in the matter of trial readiness. COURT FINDS after review that on May 6, 2021 Defendants entered a motion to stay. Motion was denied and the trial could proceed on the 2nd claim for relief. COURT FURTHER FINDS after review that on June 4, 2021, due to the Court's unavailability, the status check for June 17, 2021 be CONTINUED to June 18, 2021. COURT FURTHER FINDS after review that on June 14, 2021 a Motion for Summary Judgment was filed. The Motion for Summary Judgment was made on the bases that Muney lacks standing on the first, second, third, and fourth causes of action. THEREFORE COURT ORDERS for good cause appearing and after review that because a motion is pending, the Status Check scheduled on June 17, 2021 is not necessary, and is hereby VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/18/2021.;

06/18/2021 **CANCELED Status Check (9:30 AM)** (Judicial Officer: Allf, Nancy)

Vacated


Status Check: Trial Readiness

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

Vacated

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


Vacated

07/22/2021  **Calendar Call (10:30 AM)** (Judicial Officer: Thompson, Charles)

Matter Heard;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Court noted Defendant not present. Mr. Calaway stated he is not sure why Defendant is not present and he was aware of the calendar call. Upon inquiry of Court if matter was ready for trial, Mr. Calaway stated they were prepared for trial on Plaintiff's side and they have a Motion set on July 29, 2021 to resolve all the claims. Upon inquiry of Court as to time needed for trial, Mr. Calaway stated trial would be about five days depending on the outcome on the motion for summary judgment. Colloquy regarding availability. Mr. Calaway requested if matter had to be reset it be on stack after September due to the unavailability of his client. COURT ORDERED, trial dates VACATED and RESET, a new scheduling order would issue. Colloquy regarding resetting of the motion to compel. COURT ORDERED, motion to compel to be reset from the Discovery Commissioner's calendar to this Court's calendar on July 29, 2021 at 10:30 a.m. 9/30/2021 10:30 AM CALENDAR CALL 10/11/2021 10:30 AM JURY TRIAL (STACK);

07/28/2021  **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Information to Appear Telephonically Re: Matter set on July 29, 2021, 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court

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07/29/2021

Motion for Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy)
Plaintiff, Dominique Arnould's Motion for Summary Judgment
Granted;

07/29/2021

Motion to Compel (10:30 AM) (Judicial Officer: Allf, Nancy)
Motion to Compel Discovery Responses
Denied;

07/29/2021



Opposition and Countermotion (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 07/24/2021 Opposition and Countermotion
Plaintiff's Opposition to Defendants' Motion to Compel Responses to Discovery Requests and Counter-Motion for Sanctions
No Ruling;
Journal Entry Details:
PLAINTIFF DOMINIQUE ARNOULD'S MOTION FOR SUMMARY JUDGMENT...MOTION TO COMPEL DISCOVERY RESPONSES...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS AND COUNTER-MOTION FOR SANCTIONS All appearances made via the BlueJeans Videoconferencing Application. Arguments by counsel regarding the merits of and opposition to the motions. Court stated its findings and ORDERED, Plaintiff Dominique Arnould's Motion for Summary Judgment GRANTED; Motion to Compel Discovery Responses DENIED. Mr. Calaway to prepare findings of facts and conclusions of law consistent with the pleadings. Mr. Kern to have the ability to review and approve the form of the order.;

07/29/2021



All Pending Motions (10:30 AM) (Judicial Officer: Allf, Nancy)
Matter Heard;

08/02/2021

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Allf, Nancy)
Vacated

09/30/2021

CANCELED Calendar Call (10:31 AM) (Judicial Officer: Allf, Nancy)
Vacated - Case Closed

10/11/2021

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Allf, Nancy)
Vacated - Case Closed

11/02/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance
Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance
Journal Entry Details:
Department 27 Information to Appear Telephonically Re: Matter set on November 4, 2021
Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-803488-B

	<p>computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDewitt, to all registered parties for Odyssey File & Serve. /nm 11/2/2021. ;</p>
11/04/2021	<p>Motion to Retax (10:00 AM) (Judicial Officer: Allf, Nancy) Events: 09/24/2021 Motion to Retax <i>Defendants' Motion to Retax and Settle Costs Claimed in Defendants' Memorandum of Costs Denied in Part;</i></p>
11/04/2021	<p>Motion for Attorney Fees (10:00 AM) (Judicial Officer: Allf, Nancy) Events: 09/28/2021 Motion for Attorney Fees <i>Plaintiff's Motion for Attorneys' Fees</i> Granted;</p>
11/04/2021	<p>All Pending Motions (10:00 AM) (Judicial Officer: Allf, Nancy) Matter Heard;</p>
12/08/2021	<p>CANCELED Motion for Protective Order (9:30 AM) (Judicial Officer: Truman, Erin) <i>Vacated - per Stipulation and Order</i> <i>Defendants' Motion for Protective Order from Post Judgment Subpoena Duces Tecum</i></p>

DATE

FINANCIAL INFORMATION

Counter Claimant Muney, Clement	
Total Charges	1,857.00
Total Payments and Credits	1,857.00
Balance Due as of 12/1/2021	0.00
Counter Defendant Arnould, Dominique	
Total Charges	2,080.50
Total Payments and Credits	2,080.50
Balance Due as of 12/1/2021	0.00
Counter Claimant Chef Exec Suppliers, LLC	
Temporary Restraining Order Balance as of 12/1/2021	100.00
Counter Claimant Muney, Clement	
Appeal Bond Balance as of 12/1/2021	2,000.00

BUSINESS COURT CIVIL COVER SHEET CASE NO: A-19-803488-B
Clark County, Nevada
 Case No. _____ Department 27

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): DOMINIQUE ARNOULD Attorney (name/address/phone): Phillip S. Aurbach, Esq. (NV Bar No. 1501) Marquis Aurbach Coffing 10001 Park Run Drive Las Vegas, NV 89145 (702) 382-0711	Defendant(s) (name/address/phone): CLEMENT MUNEY; CHEF EXEC SUPPLIERS, LLC; and DOES I through X, inclusive; and ROE CORPORATIONS I through X, inclusive Attorney (name/address/phone):
---	---

II. Nature of Controversy (Please check the applicable boxes for both the civil case type and business court case type)

☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	CLARK COUNTY BUSINESS COURT <input checked="" type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Civil Writs <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	WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art. 8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
Judicial Review/Appeal/Other Civil Filing		
Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

10/11/2019

Date

/s/ Phillip S. Aurbach

Signature of initiating party or representative

MARQUIS AURBACH COFFING

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

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

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD,

Plaintiff,

vs.

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

Defendants,

And related counterclaims.

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

**ORDER GRANTING DOMINIQUE
ARNOULD'S MOTION FOR ATTORNEY
FEES AGAINST CLEMENT MUNY**

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

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

I. DISCUSSION

1. As a preliminary matter, this Court incorporates by reference its Findings of Fact and Conclusions of Law (hereinafter cited as “Findings”) which were entered on September 9, 2021, on file herein.

A. MR. ARNOULD IS ENTITLED TO ATTORNEY FEES UNDER NRS 18.010(2)(A)

2. In his Motion, Mr. Arnould argues that he is entitled to attorney fees under the NRS 18.010(2)(a). The Court agrees.

3. Under NRS 18.010(2)(a), a “court may make an allowance of attorney's fees to a prevailing party ... [w]hen the prevailing party has not recovered more than \$20,000.”

4. Here, on September 10, 2021, this Court entered Findings of Fact and Conclusions of Law (the “Findings”) which reflected the Court’s disposition of this case.¹ The Findings state that “Mr. Arnould is entitled to judgment in his favor of and that judgment may be entered against Mr. Munev in the amount of \$6,303.93.”² On September 14, 2021, judgment was entered in favor of Mr. Arnould and against Mr. Munev in the amount of \$6,303.93 (hereinafter the “Judgment”).³

5. Therefore, since Mr. Arnould’s prevailed, and his Judgment did not exceed \$20,000, he is entitled to his attorneys’ fees under NRS 18.010(2)(a).

B. MR. ARNOULD IS ENTITLED TO ATTORNEY FEES UNDER NRS 18.010(2)(B).

6. In his Motion, Mr. Arnould argues that he is entitled to attorneys’ fees under NRS 18.010(2)(b). The Court agrees.

7. NRS 18.010(2)(b) authorizes the district court to award attorney fees to a prevailing party “when the court finds that the claim, counterclaim ... or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party.”⁴ The Nevada

¹ See Findings, on file herein.

² Findings of Fact and Conclusions of Law, at ¶64, on file herein.

³ September 14, 2021 Judgment, on file herein.

⁴ NRS 18.010(2)(b) in full provides:

Supreme Court has held that “[f]or purposes of NRS 18.010(2)(b), a claim is frivolous or groundless if there is no credible evidence to support it.” *Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018) (quoting *Rodriguez v. Primadonna Co.*, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009)) (emphasis added).

8. Here, Mr. Muney failed to provide any credible evidence in support of his counterclaims and defenses.⁵ The Court granted Mr. Arnould’s motion for summary judgment because, among other things, Mr. Muney failed to provide any fact to support of his counterclaims and defenses by way of exhibit, affidavit or otherwise.⁶ The Court expressly stated in its Findings that: “Mr. Muney failed to cite to any material facts that support his defenses and counterclaims in this matter.”⁷

9. Therefore, since Mr. Muney’s counterclaims and defenses were frivolous and groundless, Mr. Arnould is entitled to his attorneys’ fees under NRS 18.010(2)(b).

C. MR ARNOULD IS ENTITLED TO HIS ATTORNEY FEES UNDER NRS 86.489.

10. In his Motion, Mr. Arnould argues that he is entitled to attorneys’ fees under NRS 86.489. The Court agrees.

11. NRS 86.489 provides:

If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgment, compromise or settlement of an action or

Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney’s fees in all appropriate situations. It is the intent of the Legislature that the court award attorney’s fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public. [emphasis added].

⁵ Findings, at ¶¶17, 18, 29, 35, 42, 54, 65, 76, 86, 93, 103, 108, and 113.

⁶ *Id.* at ¶¶17, 18, 29, 35, 42, 54, 65, 76, 86, 93, 103, 108, and 113.

⁷ *Id.* at ¶¶17-18.

1 claim, the court may award the plaintiff reasonable expenses, including reasonable
2 attorney's fees . . .

3 Thus, a plaintiff who has successfully brought a derivative claim (in whole or in part) on behalf of
4 a Nevada limited liability company is entitled an award of her reasonable expenses and attorney's
5 fees. NRS 86.489.

6 12. First, Mr. Arnould prevailed on his first cause of action which sought declaratory
7 relief from the Court that it is not reasonably practicable to carry on Chef Exec and an order
8 granting judicial dissolution pursuant to NRS 86.495.⁸ Mr. Arnould's first cause of action also
9 sought a declaration that the requirements for appointment of a receiver to run the Las Vegas
10 operations of Chef Exec and potentially dissolve the company.⁹

11 13. In this case, the Court appointed a receiver for the very purpose of controlling the
12 Las Vegas warehouse and accounting for the operations of Chef Exec.¹⁰ Then, on August 21, 2020,
13 the Court found that:

14 Both Parties don't' dispute and stipulated that it is not reasonably practicable to
15 carry on the business of the Company in conformance with the operating agreement
16 since there is no operating agreement and since the owners of the Company cannot
17 get along and disagree about the operation of the Company. Therefore, the
18 Company must be dissolved.... [and] the date of dissolution should be September
19 30, 2020.¹¹

20 Then, on November 3, 2020, the Receiver filed articles of dissolution for Chef Exec.¹² Therefore,
21 Mr. Arnould prevailed on his first cause of action.

22 14. Moreover, Mr. Arnould prevailed derivatively on his first cause of action.¹³ As this
23 Court set forth in its Findings: (a) Mr. Arnould met the derivative pleading requirements for his
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25 ⁸Findings, at ¶¶21-28.

26 ⁹ *Id.* at ¶30.

27 ¹⁰ *See* June 8, 2020 Order Appointing Receiver; *see also* June 12, 2020 Order selecting Receiver, on file
28 herein.

¹¹ *See* Order of Dissolution, at ¶¶1-2, on file herein.

¹² *Id.*

¹³ Findings, at ¶36.

1 first cause of action;¹⁴ and (b) Mr. Arnould's first cause of action was derivative because the
2 appointment of a receiver and dissolution benefited Chef Exec.¹⁵

3 15. As such, the Court finds that Mr. Arnould prevailed derivatively on his first cause
4 of action and is therefore entitled to seek his reasonable attorney's fees and expenses pursuant to
5 NRS 86.489. Thus, the attorney's fees judgment should be in favor of Mr. Arnould and against
6 Mr. Muney.

7 16. Second, the Mr. Arnould prevailed on his second claim for relief for accounting of
8 Chef Exec.¹⁶ In this case, a receiver was appointed as a liquidating receiver and part of his duties
9 were to perform an accounting, adjust the capital accounts of the parties and file a tax return for
10 Chef Exec.¹⁷ This resulted in a stipulation for Mr. Muney repay Chef Exec \$22,712.56 and pay
11 his partner \$6,303.93 in order to settle his capital account with Chef Exec.¹⁸ Notably, Mr. Arnould
12 obtained at least \$22,712.56 for Chef Exec in order to settle its outstanding debts with the
13 receiver.¹⁹ Thus, Mr. Arnould's accounting action was successful and allowed Chef Exec to
14 dissolve and settle its obligations.

15 17. Therefore, Mr. Arnould is entitled to his attorneys' fees as he was successful in his
16 derivative claims brought on behalf of Chef Exec. Mr. Arnould's attorney fees judgment should
17 be in favor of Mr. Arnould and against Mr. Muney.

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23 ¹⁴ *Id.* at ¶38.

24 ¹⁵ *Id.* at ¶39.

25 ¹⁶ February 26, 2021 Stipulation and Order, on file herein, at ¶¶43-67.

26 ¹⁷ *Id.* at ¶39.

27 ¹⁸ *Id.*

28 ¹⁹ *Id.*

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24. From MAC, Phillip S. Aurbach, Esq., Alexander K. Calaway, Esq., Jordan B. Peel, Esq. and David G. Alleman, Esq. advocated on behalf of Mr. Arnould throughout the litigation. Mr. Aurbach is a partner at MAC and charged an hourly rate in this case in the amount of \$400/hr. Mr. Alleman is a partner at MAC and charged an hourly rate in this case in the amount of \$425/hr. Mr. Peel is a partner at MAC and charged an hourly rate in this case in the amount of \$305/hr. Mr. Calaway is an associate at MAC and charged an hourly rate of \$230/hr. The other legal professionals working on the matter from MAC were Taylor Fong, a paralegal, and Amelia Mallette, a law clerk, who both charged an hourly rate of \$175/hr.

25. Phillip S. Aurbach, Esq. is a partner at MAC. As an experienced litigator, Mr. Aurbach has an excellent reputation in this community for competency in civil litigation and quality legal work. Mr. Aurbach is an AV Preeminent rated attorney by Martindale-Hubbell and has been named to the Best Lawyers in America List. In addition, Mr. Aurbach has consistently been named a Mountain States Super Lawyer. Mr. Aurbach has extensive experience trying cases to verdict and is a highly sought-after litigator in Las Vegas. During this case, Mr. Aurbach took a hands-on approach, advised on strategy, participated in drafting, and appeared and argued at numerous hearings.

26. Alexander K. Calaway, Esq. is an associate attorney at MAC and has been honored with awards such as legal elite and best up and coming attorney in Nevada. Mr. Calaway obtained his Juris Doctorate degree from the University of Idaho College of Law with distinction. Mr. Calaway has been barred in Nevada since 2019, has practiced law in the community since 2019. Within this case, Mr. Calaway was second chair and participated extensively in motion drafting, discovery, and appeared and argued at numerous hearings. Mr. Calaway has a reputation for competency in commercial litigation matters.

27. David G. Alleman, Esq. is a partner at MAC, practicing in real estate, corporate and commercial transactions. Mr. Alleman is the chair of MAC's transactional department. Mr. Alleman received his Juris Doctorate degree from the Brigham Young University, cum laude. Mr. Alleman was admitted to practice in Nevada in 2002. Mr. Alleman engaged in work related to the initial demand, dissolution, and membership related work for Mr. Arnould with respect to Mr.

1 Arnould's interest in Chef Exec. This work was critical to the allegations and claims alleged by
2 Mr. Arnould in his verified complaint. Mr. Alleman has a reputation for competency and skill in
3 transactional issues that arose in this matter.

4 28. Jordan B. Peel, Esq. is a partner at MAC, practicing in real estate, corporate and
5 commercial transactions. Mr. Peel practices primarily in MAC's transactional department. Mr.
6 Peel received his Juris Doctorate degree from the University of Nevada. Mr. Peel was admitted to
7 practice in Nevada in 2009. Mr. Peel engaged in work related to the initial demand, dissolution,
8 and membership related work for Mr. Arnould with respect to Mr. Arnould's interest in Chef Exec.
9 This work was critical to the allegations and claims alleged by Mr. Arnould in his verified
10 complaint. Mr. Peel has a reputation for competency and skill in transactional issues that were
11 arose in this matter.

12 29. All of the attorneys at MAC who provided services on behalf of Mr. Arnould are
13 skilled attorneys with years of experience and have an excellent reputation in this community for
14 competency in civil litigation and quality legal work. All legal professionals who provided services
15 on behalf of Mr. Arnould are skilled professionals with competency in civil litigation and quality
16 legal work.

17 30. Further, the hourly rates charged by MAC are below the average for comparably
18 experienced attorneys in firms of comparable size, thus, providing further proof of the
19 reasonableness of the amounts charged. Thus, the sum being sought is reasonable in light of the
20 legal experience and the fees generally charged in this community.

21 31. Second, all of the work performed was necessary to achieve the ultimate result of
22 Mr. Arnould being the prevailing party. The time recorded by MAC is reflected in the attached
23 allocated invoice maintained by the firm, which were provided in support of Mr. Arnould's Motion
24 as Exhibit 1. These billing statements establish that all legal services rendered were reasonable and
25 necessary in litigating the action.

26 32. These billing statements further establish the efforts of MAC in successfully
27 litigating this matter included researching, drafting, and revising briefs, client communications,
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1 preparing for and attending hearings, drafting motions, pretrial motion practice, and extensive
2 written discovery.

3 33. As discussed above, none of the work performed by MAC on behalf of Mr. Arnould
4 has been done in a cursory manner. Instead, all work was thoroughly researched, supported by
5 applicable law and evidence, and finalized after multiple drafts and iterations to reach a final
6 product. Moreover, each task performed by counsel was essential and was of the highest character
7 and caliber necessary for handling such a case.

8 34. Finally, it is apparent by the Court's decision obtained in this case that Mr. Arnould,
9 through MAC, obtained a great result.

10 35. Accordingly, the fees incurred by Mr. Arnould represent the reasonable amounts
11 incurred in obtaining a successful result in favor of Mr. Arnould and Chef Exec derivatively.

12 36. Thus, this Court hereby grant's Mr. Arnould's Motion for attorney fees in an
13 amount equal to \$199,985.00, which shall be paid by Clement Muney.

14 37. Interest on the \$199,985.00 shall accrue interest at the maximum applicable legal
15 rate under NRS 99.040 from December 7, 2020, the date of the settlement of accounts by the
16 receiver, until fully paid and satisfied.

17 38. Pursuant to NRS 99.040, the post-judgment interest rate from December 7, 2020
18 through December 2021 was 5.25% per year, and will adjust accordingly on each January 1 and
19 July 1 thereafter until the award of attorney fees is satisfied.

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Based upon the above findings and conclusions,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Dominique Arnould's Motion for Attorney Fees in the sum of \$199,985 plus interest against Clement Munez is GRANTED and a sperate judgment therefore may be submitted.

IT IS SO ORDERED.

November 10, 2021

Dated this 10th day of November, 2021

Nancy L Alf

TW

1EA FCF 51E7 1178
Nancy Alf
District Court Judge

Respectfully submitted by:

Approved as to Form:

MARQUIS AURBACH COFFING

KERN LAW, LTD.

By: /s/ Alexander K. Calaway

By: /s/ Robert Kern

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

Robert Kern, Esq.
Nevada Bar No. 10104
601 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendants

Cally Hatfield

From: Robert Kern <robert@kernlawoffices.com>
Sent: Wednesday, November 10, 2021 4:01 PM
To: Alexander K. Calaway
Cc: Phillip Aurbach; Cally Hatfield; Kellie Piet
Subject: RE: [External] Order for \$199,985 [IWOV-iManage.FID1085969]

Yes, that is acceptable – you may add my E-signature

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



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From: Alexander K. Calaway <acalaway@maclaw.com>
Sent: Wednesday, November 10, 2021 3:17:00 PM
To: Robert Kern <robert@kernlawoffices.com>
Cc: Phillip Aurbach <PSA@maclaw.com>; Cally Hatfield <chatfield@maclaw.com>; Kellie Piet <kpiet@MACLAW.com>
Subject: Order for \$199,985 [IWOV-iManage.FID1085969]

Mr. Kern,
Please advise if we can submit with your e-signature.



Alexander K. Calaway, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6069
f | 702.382.5816
acalaway@maclaw.com
maclaw.com



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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

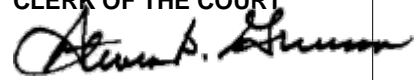
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order 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: 11/10/2021

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

25
26
27
28



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

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD, individually,

Plaintiff,

vs.

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

Defendants.

And related Counterclaims.

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

NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Please take notice that an Order Granting Dominique Arnould's Motion for Attorney Fees Against Clement Muney was entered in the above-captioned matter on the 10th day of November, 2021, a copy of which is attached hereto.

Dated this 16th day of November, 2021.

MARQUIS AURBACH COFFING

By /s/ Alexander K. Calaway

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16th day of November, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Robert Kern
Melissa Milroy

Robert@KernlawOffices.com
Admin@KernLawOffices.com

/s/ Cally Hatfield
An employee of Marquis Aurbach Coffing

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

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

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD,

Plaintiff,

vs.

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

Defendants,

And related counterclaims.

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

**ORDER GRANTING DOMINIQUE
ARNOULD'S MOTION FOR ATTORNEY
FEES AGAINST CLEMENT MUNEY**

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

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

1 **I. DISCUSSION**

2 1. As a preliminary matter, this Court incorporates by reference its Findings of Fact
3 and Conclusions of Law (hereinafter cited as “Findings”) which were entered on September 9,
4 2021, on file herein.

5 **A. MR. ARNOULD IS ENTITLED TO ATTORNEY FEES UNDER NRS**
6 **18.010(2)(A)**

7 2. In his Motion, Mr. Arnould argues that he is entitled to attorney fees under the NRS
8 18.010(2)(a). The Court agrees.

9 3. Under NRS 18.010(2)(a), a “court may make an allowance of attorney's fees to a
10 prevailing party ... [w]hen the prevailing party has not recovered more than \$20,000.”

11 4. Here, on September 10, 2021, this Court entered Findings of Fact and Conclusions
12 of Law (the “Findings”) which reflected the Court’s disposition of this case.¹ The Findings state
13 that “Mr. Arnould is entitled to judgment in his favor of and that judgment may be entered against
14 Mr. Munev in the amount of \$6,303.93.”² On September 14, 2021, judgment was entered in favor
15 of Mr. Arnould and against Mr. Munev in the amount of \$6,303.93 (hereinafter the “Judgment”).³

16 5. Therefore, since Mr. Arnould’s prevailed, and his Judgment did not exceed
17 \$20,000, he is entitled to his attorneys’ fees under NRS 18.010(2)(a).

18 **B. MR. ARNOULD IS ENTITLED TO ATTORNEY FEES UNDER NRS**
19 **18.010(2)(B).**

20 6. In his Motion, Mr. Arnould argues that he is entitled to attorneys’ fees under NRS
21 18.010(2)(b). The Court agrees.

22 7. NRS 18.010(2)(b) authorizes the district court to award attorney fees to a prevailing
23 party “when the court finds that the claim, counterclaim ... or defense of the opposing party was
24 brought or maintained without reasonable ground or to harass the prevailing party.”⁴ The Nevada

25 ¹ See Findings, on file herein.

26 ² Findings of Fact and Conclusions of Law, at ¶64, on file herein.

27 ³ September 14, 2021 Judgment, on file herein.

28 ⁴ NRS 18.010(2)(b) in full provides:

Supreme Court has held that “[f]or purposes of NRS 18.010(2)(b), a claim is frivolous or groundless if there is no credible evidence to support it.” *Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018) (quoting *Rodriguez v. Primadonna Co.*, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009)) (emphasis added).

8. Here, Mr. Muney failed to provide any credible evidence in support of his counterclaims and defenses.⁵ The Court granted Mr. Arnould’s motion for summary judgment because, among other things, Mr. Muney failed to provide any fact to support of his counterclaims and defenses by way of exhibit, affidavit or otherwise.⁶ The Court expressly stated in its Findings that: “Mr. Muney failed to cite to any material facts that support his defenses and counterclaims in this matter.”⁷

9. Therefore, since Mr. Muney’s counterclaims and defenses were frivolous and groundless, Mr. Arnould is entitled to his attorneys’ fees under NRS 18.010(2)(b).

C. MR ARNOULD IS ENTITLED TO HIS ATTORNEY FEES UNDER NRS 86.489.

10. In his Motion, Mr. Arnould argues that he is entitled to attorneys’ fees under NRS 86.489. The Court agrees.

11. NRS 86.489 provides:

If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgment, compromise or settlement of an action or

Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney’s fees in all appropriate situations. It is the intent of the Legislature that the court award attorney’s fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public. [emphasis added].

⁵ Findings, at ¶¶17, 18, 29, 35, 42, 54, 65, 76, 86, 93, 103, 108, and 113.

⁶ *Id.* at ¶¶17, 18, 29, 35, 42, 54, 65, 76, 86, 93, 103, 108, and 113.

⁷ *Id.* at ¶¶17-18.

1 claim, the court may award the plaintiff reasonable expenses, including reasonable
2 attorney's fees . . .

3 Thus, a plaintiff who has successfully brought a derivative claim (in whole or in part) on behalf of
4 a Nevada limited liability company is entitled an award of her reasonable expenses and attorney's
5 fees. NRS 86.489.

6 12. First, Mr. Arnould prevailed on his first cause of action which sought declaratory
7 relief from the Court that it is not reasonably practicable to carry on Chef Exec and an order
8 granting judicial dissolution pursuant to NRS 86.495.⁸ Mr. Arnould's first cause of action also
9 sought a declaration that the requirements for appointment of a receiver to run the Las Vegas
10 operations of Chef Exec and potentially dissolve the company.⁹

11 13. In this case, the Court appointed a receiver for the very purpose of controlling the
12 Las Vegas warehouse and accounting for the operations of Chef Exec.¹⁰ Then, on August 21, 2020,
13 the Court found that:

14 Both Parties don't' dispute and stipulated that it is not reasonably practicable to
15 carry on the business of the Company in conformance with the operating agreement
16 since there is no operating agreement and since the owners of the Company cannot
17 get along and disagree about the operation of the Company. Therefore, the
18 Company must be dissolved.... [and] the date of dissolution should be September
19 30, 2020.¹¹

20 Then, on November 3, 2020, the Receiver filed articles of dissolution for Chef Exec.¹² Therefore,
21 Mr. Arnould prevailed on his first cause of action.

22 14. Moreover, Mr. Arnould prevailed derivatively on his first cause of action.¹³ As this
23 Court set forth in its Findings: (a) Mr. Arnould met the derivative pleading requirements for his
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25 ⁸Findings, at ¶¶21-28.

26 ⁹ *Id.* at ¶30.

27 ¹⁰ See June 8, 2020 Order Appointing Receiver; *see also* June 12, 2020 Order selecting Receiver, on file
28 herein.

¹¹ See Order of Dissolution, at ¶¶1-2, on file herein.

¹² *Id.*

¹³ Findings, at ¶36.

1 first cause of action;¹⁴ and (b) Mr. Arnould's first cause of action was derivative because the
2 appointment of a receiver and dissolution benefited Chef Exec.¹⁵

3 15. As such, the Court finds that Mr. Arnould prevailed derivatively on his first cause
4 of action and is therefore entitled to seek his reasonable attorney's fees and expenses pursuant to
5 NRS 86.489. Thus, the attorney's fees judgment should be in favor of Mr. Arnould and against
6 Mr. Muney.

7 16. Second, the Mr. Arnould prevailed on his second claim for relief for accounting of
8 Chef Exec.¹⁶ In this case, a receiver was appointed as a liquidating receiver and part of his duties
9 were to perform an accounting, adjust the capital accounts of the parties and file a tax return for
10 Chef Exec.¹⁷ This resulted in a stipulation for Mr. Muney repay Chef Exec \$22,712.56 and pay
11 his partner \$6,303.93 in order to settle his capital account with Chef Exec.¹⁸ Notably, Mr. Arnould
12 obtained at least \$22,712.56 for Chef Exec in order to settle its outstanding debts with the
13 receiver.¹⁹ Thus, Mr. Arnould's accounting action was successful and allowed Chef Exec to
14 dissolve and settle its obligations.

15 17. Therefore, Mr. Arnould is entitled to his attorneys' fees as he was successful in his
16 derivative claims brought on behalf of Chef Exec. Mr. Arnould's attorney fees judgment should
17 be in favor of Mr. Arnould and against Mr. Muney.

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23 ¹⁴ *Id.* at ¶38.

24 ¹⁵ *Id.* at ¶39.

25 ¹⁶ February 26, 2021 Stipulation and Order, on file herein, at ¶¶43-67.

26 ¹⁷ *Id.* at ¶39.

27 ¹⁸ *Id.*

28 ¹⁹ *Id.*

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24. From MAC, Phillip S. Aurbach, Esq., Alexander K. Calaway, Esq., Jordan B. Peel, Esq. and David G. Alleman, Esq. advocated on behalf of Mr. Arnould throughout the litigation. Mr. Aurbach is a partner at MAC and charged an hourly rate in this case in the amount of \$400/hr. Mr. Alleman is a partner at MAC and charged an hourly rate in this case in the amount of \$425/hr. Mr. Peel is a partner at MAC and charged an hourly rate in this case in the amount of \$305/hr. Mr. Calaway is an associate at MAC and charged an hourly rate of \$230/hr. The other legal professionals working on the matter from MAC were Taylor Fong, a paralegal, and Amelia Mallette, a law clerk, who both charged an hourly rate of \$175/hr.

25. Phillip S. Aurbach, Esq. is a partner at MAC. As an experienced litigator, Mr. Aurbach has an excellent reputation in this community for competency in civil litigation and quality legal work. Mr. Aurbach is an AV Preeminent rated attorney by Martindale-Hubbell and has been named to the Best Lawyers in America List. In addition, Mr. Aurbach has consistently been named a Mountain States Super Lawyer. Mr. Aurbach has extensive experience trying cases to verdict and is a highly sought-after litigator in Las Vegas. During this case, Mr. Aurbach took a hands-on approach, advised on strategy, participated in drafting, and appeared and argued at numerous hearings.

26. Alexander K. Calaway, Esq. is an associate attorney at MAC and has been honored with awards such as legal elite and best up and coming attorney in Nevada. Mr. Calaway obtained his Juris Doctorate degree from the University of Idaho College of Law with distinction. Mr. Calaway has been barred in Nevada since 2019, has practiced law in the community since 2019. Within this case, Mr. Calaway was second chair and participated extensively in motion drafting, discovery, and appeared and argued at numerous hearings. Mr. Calaway has a reputation for competency in commercial litigation matters.

27. David G. Alleman, Esq. is a partner at MAC, practicing in real estate, corporate and commercial transactions. Mr. Alleman is the chair of MAC's transactional department. Mr. Alleman received his Juris Doctorate degree from the Brigham Young University, cum laude. Mr. Alleman was admitted to practice in Nevada in 2002. Mr. Alleman engaged in work related to the initial demand, dissolution, and membership related work for Mr. Arnould with respect to Mr.

1 Arnould's interest in Chef Exec. This work was critical to the allegations and claims alleged by
2 Mr. Arnould in his verified complaint. Mr. Alleman has a reputation for competency and skill in
3 transactional issues that arose in this matter.

4 28. Jordan B. Peel, Esq. is a partner at MAC, practicing in real estate, corporate and
5 commercial transactions. Mr. Peel practices primarily in MAC's transactional department. Mr.
6 Peel received his Juris Doctorate degree from the University of Nevada. Mr. Peel was admitted to
7 practice in Nevada in 2009. Mr. Peel engaged in work related to the initial demand, dissolution,
8 and membership related work for Mr. Arnould with respect to Mr. Arnould's interest in Chef Exec.
9 This work was critical to the allegations and claims alleged by Mr. Arnould in his verified
10 complaint. Mr. Peel has a reputation for competency and skill in transactional issues that were
11 arose in this matter.

12 29. All of the attorneys at MAC who provided services on behalf of Mr. Arnould are
13 skilled attorneys with years of experience and have an excellent reputation in this community for
14 competency in civil litigation and quality legal work. All legal professionals who provided services
15 on behalf of Mr. Arnould are skilled professionals with competency in civil litigation and quality
16 legal work.

17 30. Further, the hourly rates charged by MAC are below the average for comparably
18 experienced attorneys in firms of comparable size, thus, providing further proof of the
19 reasonableness of the amounts charged. Thus, the sum being sought is reasonable in light of the
20 legal experience and the fees generally charged in this community.

21 31. Second, all of the work performed was necessary to achieve the ultimate result of
22 Mr. Arnould being the prevailing party. The time recorded by MAC is reflected in the attached
23 allocated invoice maintained by the firm, which were provided in support of Mr. Arnould's Motion
24 as Exhibit 1. These billing statements establish that all legal services rendered were reasonable and
25 necessary in litigating the action.

26 32. These billing statements further establish the efforts of MAC in successfully
27 litigating this matter included researching, drafting, and revising briefs, client communications,
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1 preparing for and attending hearings, drafting motions, pretrial motion practice, and extensive
2 written discovery.

3 33. As discussed above, none of the work performed by MAC on behalf of Mr. Arnould
4 has been done in a cursory manner. Instead, all work was thoroughly researched, supported by
5 applicable law and evidence, and finalized after multiple drafts and iterations to reach a final
6 product. Moreover, each task performed by counsel was essential and was of the highest character
7 and caliber necessary for handling such a case.

8 34. Finally, it is apparent by the Court's decision obtained in this case that Mr. Arnould,
9 through MAC, obtained a great result.

10 35. Accordingly, the fees incurred by Mr. Arnould represent the reasonable amounts
11 incurred in obtaining a successful result in favor of Mr. Arnould and Chef Exec derivatively.

12 36. Thus, this Court hereby grant's Mr. Arnould's Motion for attorney fees in an
13 amount equal to \$199,985.00, which shall be paid by Clement Muney.

14 37. Interest on the \$199,985.00 shall accrue interest at the maximum applicable legal
15 rate under NRS 99.040 from December 7, 2020, the date of the settlement of accounts by the
16 receiver, until fully paid and satisfied.

17 38. Pursuant to NRS 99.040, the post-judgment interest rate from December 7, 2020
18 through December 2021 was 5.25% per year, and will adjust accordingly on each January 1 and
19 July 1 thereafter until the award of attorney fees is satisfied.

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Based upon the above findings and conclusions,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Dominique Arnould's Motion for Attorney Fees in the sum of \$199,985 plus interest against Clement Munez is GRANTED and a sperate judgment therefore may be submitted.

IT IS SO ORDERED.

November 10, 2021

Dated this 10th day of November, 2021

Nancy L Alf

TW

1EA FCF 51E7 1178
Nancy Alf
District Court Judge

Respectfully submitted by:

Approved as to Form:

MARQUIS AURBACH COFFING

KERN LAW, LTD.

By: /s/ Alexander K. Calaway

By: /s/ Robert Kern

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

Robert Kern, Esq.
Nevada Bar No. 10104
601 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendants

Cally Hatfield

From: Robert Kern <robert@kernlawoffices.com>
Sent: Wednesday, November 10, 2021 4:01 PM
To: Alexander K. Calaway
Cc: Phillip Aurbach; Cally Hatfield; Kellie Piet
Subject: RE: [External] Order for \$199,985 [IWOV-iManage.FID1085969]

Yes, that is acceptable – you may add my E-signature

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



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From: Alexander K. Calaway <acalaway@maclaw.com>
Sent: Wednesday, November 10, 2021 3:17:00 PM
To: Robert Kern <robert@kernlawoffices.com>
Cc: Phillip Aurbach <PSA@maclaw.com>; Cally Hatfield <chatfield@maclaw.com>; Kellie Piet <kpiet@MACLAW.com>
Subject: Order for \$199,985 [IWOV-iManage.FID1085969]

Mr. Kern,
Please advise if we can submit with your e-signature.



Alexander K. Calaway, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6069
f | 702.382.5816
acalaway@maclaw.com
maclaw.com



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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dominique Arnould, Plaintiff(s) CASE NO: A-19-803488-B
7 vs. DEPT. NO. Department 27
8 Clement Muney, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing 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: 11/10/2021

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16 Robert Kern	Robert@Kernlawoffices.com
17 Melissa Milroy	Admin@KernLawOffices.com
18 Candace Carlyon	ccarlyon@carlyoncica.com
19 Tracy O'Steen	tosteen@carlyoncica.com
20 Nancy Rodriguez	nrodriguez@carlyoncica.com
21 Phillip Aurbach	PSA@maclaw.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Alexander Calaway	acalaway@maclaw.com
24 Kellie Piet	kpiet@maclaw.com

25
26
27
28

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

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD, individually,

Plaintiff,

vs.

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

Defendants.

And related Counterclaims.

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

**JUDGMENT IN FAVOR OF DOMINIQUE
ARNOULD AND AGAINST CLEMENT
MUNEY**

MARQUIS AURBACH COFFING

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

**JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST CLEMENT
MUNEY**

Based upon the Findings of Fact and Conclusions of Law entered on November 10, 2021,
and other good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment awarding
attorney fees in the sum of \$199,985 in favor of Dominique Arnould and against Clement Mune
be and hereby is entered; and

IT IS FURTHER ORDERED that the Court awards Dominique Arnould post-judgment
interest under NRS 99,040, adjusted biannually, on its award of attorney fees of \$199,985 until
fully paid and satisfied.

November 16, 2021

Dated this 16th day of November, 2021

Nancy L Alf

TW

279 4B8 06F1 6260
Nancy Alf
District Court Judge

Respectfully Submitted by:
MARQUIS AURBACH COFFING

Approved as to form:
KERN LAW LTD.

By: /s/ Alexander Calaway
Phillip S. Aurbach, Esq.
Nevada Bar No. 1501
Alexander K. Calaway, Esq.
Nevada Bar. No. 15188
10001 Park Run Drive
Las Vegas, Nevada, 89145
*Attorneys for Plaintiffs/Counter-
Defendants*

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

Cally Hatfield

From: Robert Kern <robert@kernlawoffices.com>
Sent: Tuesday, November 16, 2021 12:30 PM
To: Alexander K. Calaway
Cc: Cally Hatfield; Phillip Aurbach
Subject: RE: [External] Judgment for \$199.985 (v2).DOCX [IWOV-iManage.FID1085969]

Yes, you may affix my E-signature

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



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From: [Alexander K. Calaway](#)
Sent: Monday, November 15, 2021 2:02 PM
To: [Robert Kern](#)
Cc: [Cally Hatfield](#); [Phillip Aurbach](#)
Subject: Judgment for \$199.985 (v2).DOCX [IWOV-iManage.FID1085969]

Robert,
Here is the judgment. Please advise if we can affix your e-signature and submit.
Thanks,



Alexander K. Calaway, Esq.
10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6069
f | 702.382.5816
acalaway@maclaw.com
maclaw.com



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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

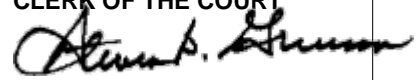
10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Judgment was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/16/2021

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

25
26
27
28



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

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD, individually,

Plaintiff,

vs.

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

Defendants.

And related Counterclaims.

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

**NOTICE OF ENTRY OF JUDGMENT IN
FAVOR OF DOMINIQUE ARNOULD AND
AGAINST CLEMENT MUNY**

**NOTICE OF ENTRY OF JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND
AGAINST CLEMENT MUNEY**

Please take notice that a Judgment in Favor of Dominique Arnould and Against Clement Muney was entered in the above-captioned matter on the 16th day of November, 2021, a copy of which is attached hereto.

Dated this 16th day of November, 2021.

MARQUIS AURBACH COFFING

By /s/ Alexander K. Calaway

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

CERTIFICATE OF SERVICE

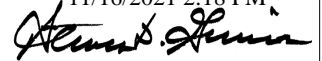
I hereby certify that the foregoing **NOTICE OF ENTRY OF JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST CLEMENT MUNY** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16th day of November, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Robert Kern
Melissa Milroy

Robert@KernlawOffices.com
Admin@KernLawOffices.com

/s/ Cally Hatfield
An employee of Marquis Aurbach Coffing

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



CLERK OF THE COURT

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

Attorneys for Plaintiff/Counter-Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD, individually,

Plaintiff,

vs.

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

Defendants.

And related Counterclaims.

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

JUDGMENT IN FAVOR OF DOMINIQUE
ARNOULD AND AGAINST CLEMENT
MUNEY

MARQUIS AURBACH COFFING

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

**JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST CLEMENT
MUNEY**

Based upon the Findings of Fact and Conclusions of Law entered on November 10, 2021,
and other good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment awarding
attorney fees in the sum of \$199,985 in favor of Dominique Arnould and against Clement Mune
be and hereby is entered; and

IT IS FURTHER ORDERED that the Court awards Dominique Arnould post-judgment
interest under NRS 99,040, adjusted biannually, on its award of attorney fees of \$199,985 until
fully paid and satisfied.

November 16, 2021

Dated this 16th day of November, 2021

Nancy L Alf

TW

279 4B8 06F1 6260
Nancy Alf
District Court Judge

Respectfully Submitted by:
MARQUIS AURBACH COFFING

Approved as to form:
KERN LAW LTD.

By: /s/ Alexander Calaway
Phillip S. Aurbach, Esq.
Nevada Bar No. 1501
Alexander K. Calaway, Esq.
Nevada Bar. No. 15188
10001 Park Run Drive
Las Vegas, Nevada, 89145
*Attorneys for Plaintiffs/Counter-
Defendants*

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

Cally Hatfield

From: Robert Kern <robert@kernlawoffices.com>
Sent: Tuesday, November 16, 2021 12:30 PM
To: Alexander K. Calaway
Cc: Cally Hatfield; Phillip Aurbach
Subject: RE: [External] Judgment for \$199.985 (v2).DOCX [IWOV-iManage.FID1085969]

Yes, you may affix my E-signature

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



Notice: The information in this transmittal is confidential and may be attorney privileged. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect that might affect any computer into which it is received and opened, it is the responsibility of the recipient to ensure it is virus free, and no responsibility is accepted by Kern Law, Ltd. for any loss or damage arising in any way from its use. If you have received this communication in error, please immediately notify the sender at (702) 518-4529 or by electronic mail (Robert@KernLawOffices.com). Thank you.

From: [Alexander K. Calaway](#)
Sent: Monday, November 15, 2021 2:02 PM
To: [Robert Kern](#)
Cc: [Cally Hatfield](#); [Phillip Aurbach](#)
Subject: Judgment for \$199.985 (v2).DOCX [IWOV-iManage.FID1085969]

Robert,
Here is the judgment. Please advise if we can affix your e-signature and submit.
Thanks,



Alexander K. Calaway, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6069
f | 702.382.5816
acalaway@maclaw.com
maclaw.com



Please consider the environment before printing this e-mail!

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dominique Arnould, Plaintiff(s) CASE NO: A-19-803488-B
7 vs. DEPT. NO. Department 27
8 Clement Muney, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/16/2021

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

25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 09, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

January 09, 2020 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Aurbach, Phillip S. Attorney
 Kern, Robert J. Attorney

JOURNAL ENTRIES

- MANDATORY RULE 16 CONFERENCE...DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Upon inquiry of Court if there was a Countermotion, Mr. Aurbach stated there was not, however there is a Motion for Appointment of Trustee set on January 15, 2020 that is related. Colloquy regarding whether matters should be heard together and Court's preliminary ruling. Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendants' Motion for Partial Summary Judgment DENIED. Colloquy regarding how to proceed in case and if parties would like a settlement conference. CONFERENCE AT THE BENCH. Court stated the Motion for Appointment of Trustee is set for January 15, 2020, that matter may or may not be continued at request of counsel, at the time of the hearing counsel are to give Court direction with how they wish to proceed with a mandatory settlement conference, counsel are to provide Court with their availability as well as their clients by end of the day on January 13, 2020 for a settlement conference to be set. COURT ORDERED, Mandatory Rule 16 Conference CONTINUED to be heard at the time of Plaintiff's Motion for Appointment of Trustee. Mr. Aurbach to prepare the order and submit it to opposing counsel for approval.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 07, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

February 07, 2020	9:30 AM	Settlement Conference
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HEARD BY: Williams, Timothy C.	COURTROOM: RJC Courtroom 03H
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COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter came on for a settlement conference with Judge Williams on February 7, 2020. The Plaintiff, Dominique Arnould, was present and represented by Philip Aurbach, Esq. and Alexander Calaway Esq. The Defendant, Clement Muney, was present and represented by Robert Kern, Esq. The Defendant, Chef Exec Suppliers, was present through Clement Muney and Jeremy Muney, and represented by Robert Kern, Esq. The parties have agreed to a settlement and resolution of all claims.

The parties and their attorneys will work together in good faith to prepare and execute all necessary settlement documents, including a Settlement Agreement to include the agreed terms, and a Stipulation and Order of Dismissal of All Claims. It is the intention of the parties that this Settlement will resolve any and all claims among or between the parties to this lawsuit. Each party is to bear its own attorney s fees and costs. The case is now referred back to the originating department for further handling and closure.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 27, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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March 27, 2020	3:00 AM	Minute Order	Minute Order: Motion for Appointment of Receiver and Mandatory Rule 16 Conference set 4/1/2020 VACATED
-----------------------	----------------	---------------------	---

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review the Motion for Appointment of Receiver along with a Mandatory Rule 16 Conference are currently set for hearing for April 1, 2020 at 9:30 a.m. on Motions Calendar.

COURT FURTHER FINDS after review the matter settled through a judicial settlement conference conducted on or about February 7, 2020.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant the matters set for April 1, 2020 shall be VACATED. A Status Check on settlement documents shall be set for April 21, 2020 on Chambers Calendar.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/27/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 30, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

March 30, 2020	3:00 AM	Minute Order
-----------------------	----------------	---------------------

HEARD BY: Alf, Nancy	COURTROOM: Chambers
-----------------------------	----------------------------

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review the Motion for Appointment of Receiver along with a Mandatory Rule 16 Conference are currently set for hearing for April 1, 2020 at 9:30 a.m. on Motions Calendar.

COURT FURTHER FINDS after review the matter settled through a judicial settlement conference conducted on or about February 7, 2020.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant the matters set for April 1, 2020 shall be VACATED. A Status Check on settlement documents shall be set for April 28, 2020 on Chambers Calendar.

CLERK S NOTE: A copy of this minute order was distributed via the E-Service Master List. /lg 3-30-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 14, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

April 14, 2020	3:00 AM	Minute Order
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HEARD BY: Allf, Nancy	COURTROOM: No Location
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COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review Plaintiff s Motion for Partial Summary Judgment was filed on March 13, 2020. Defendant s Opposition and Countermotion for Enforcement of Settlement Agreement was filed on March 20, 2020. The matters were set for hearing for April 15, 2020 at 10:30 a.m. but were subsequently inadvertently vacated.

COURT FURTHER FINDS after review pursuant to Administrative Order 20-01 in response to COVID-19 concerns, all currently scheduled non-essential District Court hearings are ordered to be conducted by video or telephone means, decided on the papers, or rescheduled unless otherwise directed by a District Court Judge.

THEREFORE, COURT ORDERS for good cause appearing and after review Plaintiff s Motion for Partial Summary Judgment, together with Defendant s Countermotion for Enforcement of Settlement Agreement, are hereby CONTINUED to May 20, 2020 at 10:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 28, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

**April 28, 2020 3:00 AM Status Check: Settlement
Documents**

HEARD BY: Allf, Nancy **COURTROOM:** No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review a Status Check on settlement documents is set on Chambers Calendar for April 28, 2020.

COURT ORDERS for good cause appearing and after review the Status Check set for April 28, 2020 is hereby CONTINUED to May 20, 2020 at 10:30 a.m.

CONTINUED TO 5/20/2020 10:30 AM

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/29/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 30, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
---------------	---

April 30, 2020

3:00 AM

Minute Order

**Minute Order:
Plaintiff's MOtion for
Appointment of
Trustee RESET to
5/20/2020**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review Plaintiff s Motion for Appointment of Trustee was inadvertently vacated due to the notification of settlement.

THEREFORE, COURT ORDERS for good cause appearing and after Plaintiff s Motion for Appointment of Trustee is hereby CONTINUED to May 20, 2020 at 10:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/30/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

May 18, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

May 18, 2020

3:00 AM

Minute Order

Minute Order:
Matters set 5/20/2020
CONTINUED to
6/24/2020

HEARD BY: Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review the Plaintiff Dominique Arnould's Motion for Appointment of Trustee filed December 10, 2019, Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution filed March 13, 2020, Defendant's Opposition to Motion for Partial Summary Judgment and Counter-Motion for Enforcement of Settlement Agreement filed March 20, 2020, and Plaintiff's Opposition to Defendants' Counter-Motion for Enforcement of Settlement Agreement and Counter-Motion to Strike Documents Related to Settlement filed April 6, 2020 were set for Motions Calendar on May 20, 2020.

COURT FURTHER FINDS after review pursuant to Administrative Order 20-01 in response to COVID-19 concerns, all currently scheduled non-essential District Court hearings are ordered to be conducted by video or telephone means, decided on the papers, or rescheduled unless otherwise directed by a District Court Judge. Moreover, Administrative Order 20-13 provides that AO 20-01 will remain in effect and all deadlines provided therein will be extended unless modified or rescinded by a subsequent order.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to Administrative Orders 20-01 and 20-13, the matters set for hearing on May 20, 2020 is hereby CONTINUED to June 24, 2020 at 10:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/18/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

May 22, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

May 22, 2020

1:00 PM

All Pending Motions

HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Aurbach, Phillip S.	Attorney
	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney

JOURNAL ENTRIES

- Defendants' Application for Temporary Restraining Order and Motion for Preliminary Injunction...Plaintiff's Opposition to Application for Temporary Restraining Order and Counter-Motion to Vacate Temporary Restraining Order

All appearances made via BlueJeans teleconferencing software.

Court stated it signed the Temporary Restraining Order, not because Court was convinced it was appropriate, but to stabilize the business. Court further stated matter was set on shortened time. Arguments by Mr. Kern and Mr. Aurbach regarding the merits of and opposition to the pending motion and countermotion. Colloquy between Court and Mr. Aurbach regarding his request for appointment of a receiver with limited powers and status of the financials. Mr. Kern requested to file responsive affidavits by Monday for Court's review prior to Court's ruling. Colloquy regarding the viability of the company. COURT ORDERED, Temporary Restraining Order DISSOLVED, motion to enforce the settlement DENIED WITHOUT PREJUDICE, receiver APPOINTED for a limited purpose, and status quo to remain in place. Court directed counsel to work together to craft what the limited powers of the receiver will be. Upon inquiry of Court if there is a possibility of splitting the company,

Mr. Aurbach stated not at this time. Mr. Kern requested findings of fact and conclusions of the law as to Court's ruling. Court directed Mr. Aurbach and Mr. Calaway to prepare the order and include findings of fact and conclusions of law consistent with Court's ruling. Colloquy whether there was a standard of care seeking financing. Court stated it would make a legal finding that the Temporary Restraining Order was procedurally improper. Colloquy regarding pending motions on June 24, 2020 for appointment of trustee and enforcing of settlement. Court stated the matters will remain on calendar with the hope of a preliminary report from receiver and parties can request an earlier Court date if needed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 10, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 10, 2020 1:30 PM Hearing

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT: Aurbach, Phillip S. Attorney
Calaway, Alexander Kip Attorney

JOURNAL ENTRIES

- Court noted the time as 1:38 p.m. and that there is no one present for Defendant. Upon inquiry of Court if Mr. Calaway has heard from Defense counsel, Mr. Calaway stated only through the communication with Court's Law Clerk that Mr. Kern couldn't appear due to a Supreme Court argument. Court noted it reviewed the Supreme Court docket and there are only three matters set for half an hour hearings. Arguments by Mr. Calaway regarding Plaintiff advising Defendant he needed access to the warehouse, Plaintiff driving a truck from California to find the locks on the warehouse changed, and Plaintiff being denied access to the warehouse. Mr. Calaway requested access to the warehouse for Plaintiff and advised an order has been sent over the Court. Further arguments by Mr. Aurbach requesting an immediate receiver or letting Plaintiff in the warehouse to obtain what he needs. Court stated it cannot make a decision until it has heard both sides and then it would be prepared to act appropriately after it has. Colloquy regarding continuing matter and advancing the July 5, 2020 matter for appointment of trustee. COURT ORDERED, matter CONTINUED, Plaintiff Dominique Arnould's Motion for Appointment of Trustee set July 5, 2020 CONTINUED to June 12, 2020 at 12:30 p.m.

CONTINUED TO 6/12/2020 12:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 11, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

June 11, 2020	3:00 AM	Minute Order
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HEARD BY: Allf, Nancy	COURTROOM: No Location
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COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review on June 5, 2020, Plaintiff s Motion to Select Receiver was filed. The matter was set for July 9, 2020 at 10:00 a.m.

COURT FURTHER FINDS after review on June 10, 2020, Plaintiff s Emergency Request for Telephonic Hearing For Appointment of Receiver To Take Over The Warehouse Or For Order Allowing Access (the Emergency Request) was filed. A preliminary hearing took place on June 10, 2020, where the Court determined a continuance was warranted.

THEREFORE, COURT ORDERS for good cause appearing and after review Plaintiff s Motion to Select Receiver will be RESET to June 12, 2020 at 12:30 p.m. Moreover, Plaintiff s Emergency Request is hereby CONTINUED to June 12, 2020 at 12:30 p.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/11/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 12, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 12, 2020 12:30 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Aurbach, Phillip S. Attorney
Calaway, Alexander Kip Attorney
Kern, Robert J. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO SELECT RECEIVER...REQUEST FOR EMERGENCY HEARING

Upon inquiry of Court regarding why Mr. Kern did not attend the previous hearing, Mr. Kern stated he had a supreme court argument, there was no possibility to reschedule, and he also had drive time. Mr. Kern further stated he wrote an opposition in ten minutes. Arguments by Mr. Calaway, Mr. Kern, and Mr. Calaway regarding possible receiver candidates. Mr. Kern stated he was not opposed to immediate appointment of a receiver. Upon inquiry of Court regarding the locks on the warehouse being changed, Mr. Kern stated the locks were changed after Plaintiff declared the settlement over. Mr. Kern further stated his client does not have access to the Los Angeles warehouse and Plaintiff should not have access to the Las Vegas warehouse. COURT ORDERED, Plaintiff's Motion to Select a Receiver GRANTED, Mr. Birch APPOINTED as receiver, Plaintiff will have access to the Las Vegas storage warehouse and Defendant will have to pay for security when the Plaintiff goes to the warehouse, Plaintiff will be allowed to access the warehouse today with the logistics to be worked out between the parties, and the receiver is ORDERED to change the locks on both warehouses. As to Mr. Kern's failure to appear at the last hearing, COURT FURTHER ORDERED, Mr. Kern SANCTIONED in the amount of \$100.00 payable to Nevada Legal Services, Clark County Library, or

the Legal Aid Center of Southern Nevada with proof of payment to be filed within ten days. Plaintiff to prepare the order. Court further stated if counsel cannot agree on order then parties should request a telephonic next week. Mr. Aurbach stated an order has already been entered regarding the limited powers of the receiver and requested Court extend the powers of the receiver to control the warehouse. Court stated it has ordered the receiver to change the locks, parties are to work on the language of the order, and if they cannot agree then set a telephonic can be set. Court further stated it would prepare the order for the \$100.00 sanction.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 19, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 19, 2020

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Motions

Set: June 24, 2020 at 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 386 251 956

Meeting URL: <https://bluejeans.com/386251956>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/19/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 24, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

June 24, 2020 10:30 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney

JOURNAL ENTRIES

- PLAINTIFF DOMINIQUE ARNOULD'S MOTION FOR PARTIAL SUMMARY JUDGMENT FOR JUDICIAL DISSOLUTION...MANDATORY RULE 16 CONFERENCE

All appearances made via the BlueJeans Videoconferencing Application

Court stated it intends to wait until it hears from the receiver before it considers dissolution. Upon inquiry of Court if counsel have been in contact with the receiver, Mr. Calaway stated they have contacted the receiver, he has made some requests, and they have already provided the receiver access to quick books. Mr. Kern stated they have been contact with receiver and are continuing contact so they can provide him with what he needs. Colloquy regarding dissolution and the motion for summary judgment. Court stated it could either deny the motion without prejudice or defer the matter until a preliminary report has been provided from the receiver. Mr. Calaway stated he had no issue with setting the matter out for a preliminary report from the receiver. Mr. Kern stated he would prefer the motion be denied without prejudice. COURT ORDERED, Plaintiff Dominique Arnould's Motion for Partial Summary Judgment for Judicial Dissolution DENIED WITHOUT PREJUDICE, status check for preliminary report SET, Court directed Mr. Kern to prepare the order, include the status report date, and serve the order to the receiver at time it is provided to Mr. Calaway for

review. Upon inquiry of Court if counsel have exchanged initial disclosures, counsel stated they had. Upon inquiry of Court if parties have agreed on a close of discovery or filed a Joint Case Conference Report (JCCR), counsel stated they had not. COURT ORDERED, Mandatory Rule 16 Conference CONTINUED for counsel to file a JCCR and set a date for close of discovery. COURT FURTHER ORDERED, discovery may begin at this time.

7/22/2020 9:30 AM MANDATORY RULE 16 CONFERENCE...STATUS CHECK: RECEIVER REPORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 21, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

July 21, 2020

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on July 22, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

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Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/21/2020.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 22, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

July 22, 2020

9:30 AM

All Pending Motions

HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: RECEIVER'S REPORT...MANDATORY RULE 16 CONFERENCE

All appearances made via the BlueJeans Videoconferencing Application.

Ms. O'Steen stated Mr. Bertsch has made progress on his findings however, he is asking for three weeks for a final report on file. Upon inquiry of Court if there was any objection, counsel had no objection. COURT ORDERED, matter CONTINUED. As to the rule 16 conference, Court noted there has been an Amended Joint Case Conference Report with a close of discovery of January 12, 2021. Upon inquiry of Court if that date was still viable, counsel stated it was. Court stated it would issue a trial order by the end of next week. Colloquy regarding status of discovery.

CONTINUED TO: 8/12/2020 9:30 AM STATUS CHECK: RECEIVER'S REPORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

August 07, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

**August 07, 2020 3:00 AM Minute Order Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on August 12, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/7/2020.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

August 12, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

August 12, 2020 9:30 AM Status Check

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Aurbach, Phillip S.	Attorney
	Bertsch, Larry	Receiver
	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- Court noted it had read the report filed by the receiver. Mr. Aurbach stated they need to make sure the business is not reasonably practicable to carry on. Mr. Kern stated that it is impracticable of running the company the way it is and a dissolution that splits the company might be applicable. Mr. Aurbach requested an order for dissolution. Statements by receiver regarding dissolution, that the date to split the company be set for August 31, 2020 and that parties then file their tax returns making distributions. Mr. Aurbach stated he and Mr. Kern could try to complete dissolution using the template Mr. Bertsch has provided and then any disagreements could be addressed before the court at an evidentiary hearing. Mr. Kern agreed. Colloquy regarding matters that need to be paid, dissolution, settlement conference set before the Supreme Court on September 17, 2020, ongoing invoices, and payment of Mr. Bertsch. COURT ORDERED, undisputed rent of July and August of \$5,700.00 needs to be paid subject to being evened up later, if there is not sufficient case in the business then parties will need to each pay one half of the amount, Mr. Bertsch's invoice system will be adopted with regard to ongoing invoices, status check SET September 23, 2020, and if there is a potential for dissolution at the end of September then that will be a stop gap. Mr. Bertsch advised the

Court that his fees were to be paid one-half by each of the parties and should not come out of the Chef Exec Suppliers LLC funds. COURT SO ORDERED. Court directed Ms. O'Steen to prepare the order approving the fees in accordance with the representation of Mr. Bertsch, and Mr. Aurbach to prepare the order with regard to the invoice system, the undisputed rent, and the payment.

9/23/2020 9:30 AM STATUS CHECK: STATUS OF CASE/DISSOLUTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 10, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

September 10, 2020 3:00 AM Minute Order

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 10, 2020 at 3:00 p.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/10/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 10, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

September 10, 2020 3:00 PM Telephonic Conference

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 10E

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Aurbach, Phillip S.	Attorney
	Bertsch, Larry	Receiver
	Calaway, Alexander Kip	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Colloquy regarding payments of undisputed portion of rent and emergency request for hearing. Court stated the order directs that undisputed rent gets paid on a going forward basis and ORDERED, request for relief to Mr. Muney DENIED. Court stated if there is a order shortening time the issues can be briefed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 18, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

**September 18, 2020 3:00 AM Minute Order Minute Order: Blue
Jeans Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 23, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/18/2020.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 23, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

September 23, 2020 9:30 AM Status Check

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Aurbach, Phillip S.	Attorney
	Bertsch, Larry	Receiver
	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Mr. Calaway stated the receiver has not furnished a final report however he understands he is getting close. Mr. Kern agreed. Mr. Bertsch updated Court as to the division of accounts receivable, inventory and other matters. Colloquy regarding time needed to provide Receiver's final report. Court directed Mr. Bertsch's counsel to request a return date for a status check when the final report is filed and give both parties sufficient time to respond. Mr. Bertsch requested the fees paid by counsel be treated as capital contributions. No objection by counsel. Court stated Mr. Bertsch could take that into account.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 29, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

September 29, 2020	3:00 AM	Minute Order	Minute Order: BlueJeans Appearance
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HEARD BY: Allf, Nancy

COURTROOM: Chambers

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 30, 2020 at 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/29/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 30, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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September 30, 2020	10:30 AM	Motion for Summary Judgment
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HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Aurbach, Phillip S. Bertsch, Larry Calaway, Alexander Kip Kern, Robert J. O'Steen, Tracy M.	Attorney Receiver Attorney Attorney Attorney
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JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing application.

Mr. Aurbach noted that items have been agreed to and addressed the customer list and a portion of the accounts receivable. Ms. O'Steen stated Mr. Bertsch is close to a final report and needs two more weeks. Colloquy regarding dissolution of company and creation of individual companies, and there being a non-compete order or mailing of a letter to customers regarding dissolution of the company. Further colloquy regarding the issues. Court stated it would be unwilling to enter a non-compete order, however Court would agree to a letter being sent to the customers. Mr. Kern placed his objections to there not being a non-compete order however, he would agree to sending a letter due there not being an agreement on the non-compete order. Colloquy regarding company dissolution letter to customers. Court directed Mr. Aurbach to prepare an order including the items parties agree on and ORDERED, matter SET for status check on Receiver's Report.

10/21/2020 10:30 AM STATUS CHECK: RECEIVER'S REPORT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

October 16, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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October 16, 2020

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on October 21, 2020 at 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

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Meeting ID: 897 138 369

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /10/16/2020.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

October 27, 2020

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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October 27, 2020

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on November 4, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 10/27/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 22, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

**December 22, 2020 3:00 AM Minute Order Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on December 23, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/22/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 23, 2020

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

December 23, 2020 9:30 AM Status Check

HEARD BY: Alf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Court stated it read the receiver's report. Mr. Kern stated he has issues with the report and would like to file an objection. Court stated Mr. Kern would have until January 31, 2021 to file an objection. Mr. Calaway stated he will be filing a motion to approve the report. Court directed Mr. Calaway to file the motion after the January 31, 2021 deadline.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 26, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

January 26, 2021 9:55 AM Minute Order

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Kimberly Estala

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT FINDS after review that on December 23, 2020 Plaintiff filed Plaintiff s Motion to Approve Receiver's Final Report and Discharge Receiver ("Motion to Approve Receiver s Final Report").

COURT FURTHER FINDS after review that on January 6, 2021, an Opposition to the Motion to Approve Receiver's Final Report was filed.

COURT FURTHER FINDS after review that on January 20, 2021, a Reply to the Motion to Approve Receiver's Final Report was filed.

COURT FURTHER FINDS after review that on December 23, 2020, Mr. Kern stated he had issues with the Receiver's report and would like to file an objection. The Court stated Mr. Kern would have until January 31, 2021 to file an objection. Mr. Calaway stated he will be filing a motion to approve the report. The Court directed Mr. Calaway to file the motion after the January 31, 2021 deadline.

THEREFORE COURT ORDERS for good cause appearing and after review that the hearing set for Wednesday, January 27, 2021 is hereby CONTINUED to Wednesday, February 10, 2021 at 10:00a.m. on Motions Calendar. The scheduled hearing will be conducted remotely through BlueJeans videoconferencing. The BlueJeans link will be sent to the parties prior to the hearing.

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties of Odyssey File and Serve.//ke 01/26/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 09, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

**February 09, 2021 3:00 AM Minute Order Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on February 10, 2021, at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/9/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 10, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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February 10, 2021 10:00 AM Motion

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Arnould, Dominique	Plaintiff
		Counter Defendant
	Bertsch, Larry	Receiver
	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- All appearances made by the BlueJeans Videoconferencing Application.

Arguments by Mr. Calaway, Mr. Kern, and Ms. O'Steen regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion to Approve Reciever's Final Report and Discharge Receiver GRANTED in all respects, objections are reserved for the time of trial; receiver DISCHARGED, and any bond to be refunded back to him. Colloquy regarding issues of closing the bank account of the company and tranfering the funds. COURT ORDERED, status check SET in thirty days, for Mr. Kern to give a report on the account, if the matter is resolved then the status check may be vacated.

2/24/2021 10:00 AM STATUS CHECK: BANK ACCOUNT ISSUES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 23, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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February 23, 2021	3:00 AM	Minute Order
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HEARD BY: Allf, Nancy	COURTROOM: No Location
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COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on February 24, 2021, at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

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Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/23/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 24, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s)
	vs.
	Clement Muney, Defendant(s)

February 24, 2021 10:00 AM Status Check

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Bertsch, Larry	
	Calaway, Alexander Kip	Attorney
	Kern, Robert J.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Colloquy regarding the bank account, closing of said bank account, process of signing over the account. Ms. O'Steen stated they did receive the funds from the account and requested permission to apply those funds to the outstanding fees for Mr. Bertsch. Court stated it could not consider an oral motion, a stipulation could be provided or a written request could be made. Mr. Calaway stated they would be open to a stipulation as to payment and timing. Matter concluded.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 04, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 04, 2021	3:00 AM	Minute Order	Minute Order: Continuance of matter set on June 17, 2021
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HEARD BY: Alf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Due to Court's unavailability on June 17, 2021, COURT ORDERS Status Check: Trial Readiness
CONTINUED to June 18, 2021 at 9:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt,
to all registered parties for Odyssey File & Serve. /nm 6/4/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 08, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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June 08, 2021

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearances**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on June 9, 2021, 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

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Please be mindful of where your camera is pointing.

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If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/8/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 09, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 09, 2021 9:30 AM Motion For Stay

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Madalyn Kearney

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Kern, Robert J. Attorney

JOURNAL ENTRIES

- Tabitha Martinez, Esq. present for Plaintiff. Counsel present via BlueJeans.

Following arguments by Mr. Kern and Ms. Martinez, COURT ORDERED, Defendants' Motion for Stay Pending Appeal DENIED. Court noted it does not think it is appropriate to stay the case and trial can proceed on the 2nd claim for relief. Ms. Martinez to prepare the order and run it by Mr. Kern as to form.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 18, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

June 18, 2021

3:00 AM

Minute Order

Minute ORder: Status
Check on 6/18/2021
VACATED

HEARD BY: Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on February 22, 2021 a status check was entered for June 17, 2021 in the matter of trial readiness.

COURT FINDS after review that on May 6, 2021 Defendants entered a motion to stay. Motion was denied and the trial could proceed on the 2nd claim for relief.

COURT FURTHER FINDS after review that on June 4, 2021, due to the Court s unavailability, the status check for June 17, 2021 be CONTINUED to June 18, 2021.

COURT FURTHER FINDS after review that on June 14, 2021 a Motion for Summary Judgment was filed. The Motion for Summary Judgment was made on the bases that Muney lacks standing on the first, second, third, and fourth causes of action.

THEREFORE COURT ORDERS for good cause appearing and after review that because a motion is pending, the Status Check scheduled on June 17, 2021 is not necessary, and is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/18/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 22, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

July 22, 2021 10:30 AM Calendar Call

HEARD BY: Thompson, Charles**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn White**REPORTER:****PARTIES**

PRESENT: Calaway, Alexander Kip Attorney

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Court noted Defendant not present. Mr. Calaway stated he is not sure why Defendant is not present and he was aware of the calendar call. Upon inquiry of Court if matter was ready for trial, Mr. Calaway stated they were prepared for trial on Plaintiff's side and they have a Motion set on July 29, 2021 to resolve all the claims. Upon inquiry of Court as to time needed for trial, Mr. Calaway stated trial would be about five days depending on the outcome on the motion for summary judgment. Colloquy regarding availability. Mr. Calaway requested if matter had to be reset it be on stack after September due to the unavailability of his client. COURT ORDERED, trial dates VACATED and RESET, a new scheduling order would issue. Colloquy regarding resetting of the motion to compel. COURT ORDERED, motion to compel to be reset from the Discovery Commissioner's calendar to this Court's calendar on July 29, 2021 at 10:30 a.m.

9/30/2021 10:30 AM CALENDAR CALL

10/11/2021 10:30 AM JURY TRIAL (STACK)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 28, 2021

A-19-803488-B Dominique Arnould, Plaintiff(s)
vs.
Clement Muney, Defendant(s)

July 28, 2021

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Appearance**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on July 29, 2021, 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/28/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 29, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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July 29, 2021	10:30 AM	Opposition and Countermotion
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HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFF DOMINIQUE ARNOULD'S MOTION FOR SUMMARY JUDGMENT...MOTION TO COMPEL DISCOVERY RESPONSES...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS AND COUNTER-MOTION FOR SANCTIONS

All appearances made via the BlueJeans Videoconferencing Application.

Arguments by counsel regarding the merits of and opposition to the motions. Court stated its findings and ORDERED, Plaintiff Dominique Arnould's Motion for Summary Judgment GRANTED; Motion to Compel Discovery Responses DENIED. Mr. Calaway to prepare findings of facts and conclusions of law consistent with the pleadings. Mr. Kern to have the ability to review and approve the form of the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

November 02, 2021

A-19-803488-B	Dominique Arnould, Plaintiff(s) vs. Clement Muney, Defendant(s)
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November 02, 2021	3:00 AM	Minute Order	Minute Order: BlueJeans Appearance
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HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on November 4, 2021

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

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Meeting URL: <https://bluejeans.com/897138369>

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CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 11/2/2021.



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

ROBERT KERN, ESQ.
6001 S. 6TH ST.
LAS VEGAS, NV 89101

DATE: December 1, 2021
CASE: A-19-803488-B

RE CASE: DOMINIQUE ARNOULD vs. CLEMENT MUNEY; CHEF EXEC SUPPLIERS, LLC

NOTICE OF APPEAL FILED: November 24, 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

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.

***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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DOMINIQUE ARNOULD'S MOTION FOR ATTORNEY FEES AGAINST CLEMENT MUNY; NOTICE OF ENTRY OF ORDER; JUDGMENT IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST CLEMENT MUNY; NOTICE OF ENTRY OF ORDER IN FAVOR OF DOMINIQUE ARNOULD AND AGAINST CLEMENT MUNY; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DOMINIQUE ARNOULD,

Plaintiff(s),

vs.

CLEMENT MUNY; CHEF EXEC
SUPPLIERS, LLC,

Defendant(s),

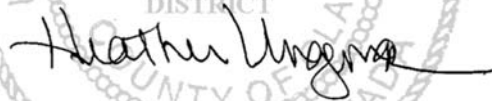
Case No: A-19-803488-B

Dept No: XXVII

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 1 day of December 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 1, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: DOMINIQUE ARNOULD vs. CLEMENT MUNNEY; CHEF EXEC SUPPLIERS, LLC
D.C. CASE: A-19-803488-B

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 1, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

November 4, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk