

1 **NOAS**
2 MALCOLM P. LAVERGNE, ESQ.
3 Nevada Bar No. 10121
4 400 South 4th Street, Suite 500
5 Las Vegas, Nevada 89101
6 702.448.7981 / 702.966.3117 (Facsimile)
7 mlavergne@lavergnelaw.com
8 *For Orenthal J. Simpson*

Electronically Filed
Dec 10 2021 03:00 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 FREDERIC GOLDMAN¹, an individual, and)
9 as personal representative of the ESTATE) Case No. A-21-828836-F
10 OF RONALD LYLE GOLDMAN, deceased,)
11 Plaintiff(s),) Dept. 5
12 vs.)
13 ORENTHAL J. SIMPSON,)
14 Defendant(s).)
15)

16 **NOTICE OF APPEAL**

17
18 Notice is hereby given that Orenthal James Simpson, Defendant named above,
19 appeals to the Supreme Court of Nevada from: (1) the trial court’s Order Denying
20 Orenthal James Simpson’s Motion to Alter or Amend Judgment and Order Granting
21 Fredric Goldman’s Ex Parte Application for Order Allowing Examination of Judgment
22 Debtor [Doc. 46]; (2) the trial court’s Order Denying Defendant Orenthal James
23 Simpson’s Motion for Relief from Judgment and Order Granting Plaintiff’s Motion for
24 Judicial Assignment of Orenthal James Simpson’s Personal Property [Doc. 17], and (3)
25

26
27
28 ¹ Plaintiff’s true legal name is “Fredric” Goldman, not “Frederic,” but Plaintiff never sought to formally correct this deficiency at the trial court level.

MALCOLM P. LAVERGNE & ASSOCIATES

400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Tel: 702.448.7981 Fax: 702.966.3117

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

all other trial court decision, judgments and orders from which Mr. Simpson is an aggrieved party.

The appeal is taken from the Eighth Judicial District Court, Department 5.

DATED this 2nd day of December 2021.

MALCOLM P. LAVERGNE & ASSOCIATES

By: /s/ Malcolm P. LaVergne
MALCOLM P. LAVERGNE, ESQ.
Nevada Bar No.: 10121

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

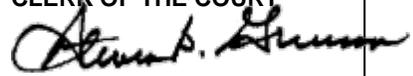
CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2021, I served a true and correct copy of the Notice of Appeal through the e-file and service list to all parties and attorneys participating through e-service.

/s/ Malcolm LaVergne
Malcolm P. LaVergne

MALCOLM P. LAVERGNE & ASSOCIATES

400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Tel: 702.448.7981 Fax: 702.966.3117



1 **ASTA**
2 MALCOLM P. LAVERGNE, ESQ.
3 Nevada Bar No. 10121
4 400 South 4th Street, Suite 500
5 Las Vegas, Nevada 89101
6 702.448.7981 / 702.966.3117 (Facsimile)
7 mlavergne@lavergnelaw.com
8 *For Orenthal J. Simpson*

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 FREDERIC GOLDMAN¹, an individual, and)
9 as personal representative of the ESTATE) Case No. A-21-828836-F
10 OF RONALD LYLE GOLDMAN, deceased,)
11 Plaintiff(s),) Dept. 5
12 vs.)
13 ORENTHAL J. SIMPSON,)
14 Defendant(s).)
15)

16 **CASE APPEAL STATEMENT**

- 17
- 18 1. Name of appellant filing this case appeal statement: **Orenthal James Simpson.**
 - 19 2. Identify the judges issuing the decisions, judgments, or orders appeal from: **Honorable**
20 **Veronica Barisich; Honorable James Bixler.**
 - 21 3. Identify each appellant and the name and address of counsel for each appellant: **Appellant**
22 **Orenthal James Simpson, represented by Malcolm P. LaVergne, Esq., 400 South 4th**
23 **Street, Suite 500, Las Vegas, Nevada 89101.**
 - 24 4. Identify each respondent and the name and address of appellate counsel, if known, for each
25 respondent: **Respondent Fredric Goldman, an individual, and as personal**
26 **representative of the Estate of Ronald Lyle Goldman, deceased, represented by Larson**

27 _____
28 ¹ Plaintiff's true legal name is "Fredric" Goldman, not "Frederic," but Plaintiff never sought to formally correct this deficiency at the trial court level.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A. Welsh, Esq., 199 North Arroyo Grande Boulevard, Suite 200, Henderson, Nevada 89074.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42: **All attorneys participating at the trial court level are licensed Nevada attorneys.**
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: **Retained.**
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: **Retained.**
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: **Appellant was not granted leave to proceed in forma pauperis.**
9. Indicate the date the proceedings commenced in the district court: **February 3, 2021.**
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgments or orders being appealed and the relief granted by the district court: **This is an enforcement action of a foreign civil judgment out to the State of California. Respondents have twice previously domesticated the judgment in Nevada, the last one in 2009, which Respondents actively sought and obtained relief in Nevada, but did not renew the judgment in accordance with Nevada law in 2015. Respondent then renewed the foreign judgment in California at the higher California interest rate of 10-percent and continued litigating against Appellant in California court. The resulting interest rate difference since 2009 between California and Nevada when Respondent arbitrarily sought to enforce the foreign judgment again in Nevada in 2021 is approximately \$12 million.**
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of the prior proceeding: **This specific case has not previously been the subject of an appeal or writ proceeding.**

12. Indicate whether this appeal involves child custody or visitation: **This appeal does not involve child custody or visitation.**

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

DATED this 2nd day of December 2021.

MALCOLM P. LAVERGNE & ASSOCIATES

By: /s/ Malcolm P. LaVergne
MALCOLM P. LAVERGNE, ESQ.
Nevada Bar No.: 10121

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2021, I served a true and correct copy of the Case Appeal Statement through the e-file and service list to all parties and attorneys participating through e-service.

/s/ Malcolm LaVergne
Malcolm P. LaVergne

MALCOLM P. LAVERGNE & ASSOCIATES

400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Tel: 702.448.7981 Fax: 702.966.3117

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-21-828836-F

Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

§
§
§
§
§

Location: **Department 5**
 Judicial Officer: **Barisich, Veronica M.**
 Filed on: **02/03/2021**
 Cross-Reference Case Number: **A828836**

CASE INFORMATION

Statistical Closures
 02/03/2021 Default Judgment

Case Type: **Foreign Judgment**

Case Status: **02/03/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-21-828836-F
Court	Department 5
Date Assigned	02/03/2021
Judicial Officer	Barisich, Veronica M.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Goldman, Frederic	Welsh, Larson A. <i>Retained</i> 702-434-3444(W)
	Goldman, Fredric	Welsh, Larson A. <i>Retained</i> 702-434-3444(W)
Defendant	Simpson, Orenthal James	Lavergne, Malcolm P. <i>Retained</i> 702-448-7981(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

02/03/2021	 Application of Foreign Judgment - NRS 17 Filed By: Plaintiff Goldman, Frederic <i>[1] Application of Foreign Judgment</i>	
02/03/2021	 Declaration Filed By: Plaintiff Goldman, Frederic <i>[2] Declaration of Judgment Creditor's Counsel</i>	
02/03/2021	 Initial Appearance Fee Disclosure Filed By: Plaintiff Goldman, Frederic <i>[3] Initial Appearance Fee Disclosure</i>	
02/10/2021	 Notice of Filing Application of Foreign Judgment & Affidavit Filed By: Plaintiff Goldman, Frederic <i>[4] Notice of Filing Application of Foreign Judgment and Declaration of Judgment Creditor's Counsel</i>	
03/12/2021	 Notice	

CASE SUMMARY

CASE NO. A-21-828836-F

Filed By: Defendant Simpson, Orenthal James
[5] Notice of Related Cases in the Eighth Judicial District Court

03/12/2021  Notice
Filed By: Defendant Simpson, Orenthal James
[6] Notice of Case Docket Filings in California Superior Court Regarding Case No. SC036340

03/12/2021  Notice
Filed By: Defendant Simpson, Orenthal James
[7] Notice of Pepperdine Law Review Article

03/15/2021  Motion for Relief
Filed By: Defendant Simpson, Orenthal James
[8] Motion for Relief from Judgment

03/15/2021  Writ Electronically Issued
Party: Plaintiff Goldman, Frederic
[10] Writ of Execution (NV Property 1-Cosmopolitan) -- to be electronically issued

03/16/2021  Clerk's Notice of Hearing
[9] Notice of Hearing

03/24/2021  Motion
Filed By: Plaintiff Goldman, Frederic
[11] Motion for Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action

03/24/2021  Clerk's Notice of Hearing
[12] Notice of Hearing

03/24/2021  Clerk's Notice of Hearing
[13] Notice of Hearing

03/29/2021  Opposition to Motion
Filed By: Plaintiff Goldman, Frederic
[14] Fredric Goldman's Opposition to Orenthal James Simpson's Motion for Relief from Judgment

04/08/2021  Opposition to Motion
Filed By: Defendant Simpson, Orenthal James
[15] Opposition to Motion for Judicial Assignment

04/22/2021  Reply
Filed by: Defendant Simpson, Orenthal James
[16] Reply Brief

06/03/2021  Order
Filed By: Plaintiff Goldman, Frederic
[17] Order Denying Defendant's Motion for Relief from Judgment & Granting Plaintiff's Motion for Judicial Assignment of Defendant's Personal Property

06/04/2021  Notice of Entry of Order
Filed By: Plaintiff Goldman, Frederic

CASE SUMMARY

CASE NO. A-21-828836-F

[18] Notice of Entry of Order Denying and Granting

07/02/2021



Motion to Amend

Filed By: Defendant Simpson, Orenthal James

[19] Motion to Alter or Amend Judgment

07/06/2021



Clerk's Notice of Hearing

[20] Notice of Hearing

07/19/2021



Opposition to Motion

Filed By: Plaintiff Goldman, Frederic

[21] Fredric Goldman's Opposition to Orenthal James Simpson s Motion to Alter or Amend Judgment

07/28/2021



Ex Parte Application for Examination of Judgment Debtor

Filed By: Plaintiff Goldman, Frederic

[22] Ex Parte Application for Order Allowing Examination of Judgment Debtor

08/03/2021



Response

Filed by: Defendant Simpson, Orenthal James

[23] Response to Ex Parte Application for Order Allowing Examination of Judgment Debtor

08/17/2021



Motion for Judgment

[24] Garnishee's Motion for Judgment Pursuant to NRS 31.330

08/18/2021



Clerk's Notice of Hearing

[25] Notice of Hearing

08/19/2021



Order Allowing Examination of Judgment Debtor

Filed By: Plaintiff Goldman, Frederic; Plaintiff Goldman, Frederic

[26] Order Permitting Examination of Judgment Debtor Orenthal James Simpson

08/19/2021



Notice of Entry of Order

Filed By: Defendant Simpson, Orenthal James

[27] Notice of Entry of Order

08/21/2021



Notice of Entry of Order

Filed By: Plaintiff Goldman, Frederic

[28] Notice of Entry of Order Permitting Examination of Judgment Debtor Orenthal James Simpson

08/23/2021



Joinder To Motion

Filed By: Defendant Simpson, Orenthal James

[29] Defendant's Joinder to the Cosmopolitan's Motion for Judgment

08/23/2021



Media Request and Order

[30] Media Request and Order Allowing Camera Access to Court Proceedings

08/25/2021



Motion to Quash

Filed By: Defendant Simpson, Orenthal James

[31] Defendant's Motion to Quash Subpoenas, Motion for a Protective Order, Motion for Sanctions, Motion for Attorney's Fees and Costs

08/25/2021



Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-21-828836-F

[32] Notice of Hearing

08/26/2021

 Joinder

[33] Joinder to Defendant Orenthal J. Simpson's Motion to Quash Subpoenas, Motion for a Protective Order, Motion for Sanctions, Motion for Attorney's Fees and Costs

08/26/2021

 Objection

Filed By: Defendant Simpson, Orenthal James
[34] Defendant's Objections to Subpoena Duces Tecum Pursuant to NRC 45(a)(4)(A)

09/01/2021

 Opposition to Motion

Filed By: Plaintiff Goldman, Fredric
[35] Fredric Goldman's Limited Opposition to Garnishee Nevada Property 1 LLC dba The Cosmopolitan of Las Vegas's Motion for Judgment Pursuant to NRS 31.330

09/09/2021

 Notice of Non Opposition

Filed By: Defendant Simpson, Orenthal James
[36] Defendant's Notice of Non Opposition to Motion to Quash Subpoenas

09/09/2021

 Opposition to Motion

Filed By: Plaintiff Goldman, Fredric
[37] Fredric Goldman's Opposition to Defendant's Motion to Quash Subpoenas, Motion for Protective Order, Motion for Sanctions, Motion for Attorney's Fees and Costs

09/13/2021

 Reply

[38] Reply to Fredric Goldman's Limited Opposition to Motion for Judgment Pursuant to NRS 31.330

09/23/2021

 Notice of Hearing

[39] Instructions for BlueJeans VideoConferencing

10/08/2021

 Order Granting Judgment

[40] Order Granting Garnishee Nevada Property 1, LLC's Motion for Judgment Pursuant to NRS 31.330

10/08/2021

 Notice of Entry of Judgment

Filed By: Defendant Simpson, Orenthal James
[41] Notice of Entry of Judgment

10/08/2021

 Memorandum of Costs and Disbursements

Filed By: Defendant Simpson, Orenthal James
[42] Defendant's Memorandum of Costs and Disbursements

10/13/2021

 Motion to Retax

Filed By: Plaintiff Goldman, Fredric
[43] Plaintiff Motion to Retax Costs

10/14/2021

 Clerk's Notice of Hearing

Party: Plaintiff Goldman, Frederic
[44] Notice of Hearing

10/14/2021

 Clerk's Notice of Hearing

Party: Plaintiff Goldman, Frederic
[45] Notice of Hearing

CASE SUMMARY

CASE NO. A-21-828836-F

10/22/2021



Order

Filed By: Plaintiff Goldman, Frederic; Plaintiff Goldman, Fredric
[46] Order Denying Orenthal James Simpson's Motion to Alter or Amend Judgment and Order Granting Fredric Goldman's Ex Parte Application for Order Allowing Examination of Judgment Debtor

11/03/2021



Notice of Entry of Order

Filed By: Plaintiff Goldman, Fredric
[47] Notice of Entry of Orders Denying and Granting

12/02/2021



Notice of Appeal

Filed By: Defendant Simpson, Orenthal James
[48] Notice of Appeal

12/02/2021



Case Appeal Statement

Filed By: Defendant Simpson, Orenthal James
[49] Case Appeal Statement

DISPOSITIONS

02/03/2021

Foreign Judgment (Judicial Officer: Barisich, Veronica M.)
 Debtors: Orenthal James Simpson (Defendant)
 Creditors: Frederic Goldman (Plaintiff)
 Judgment: 02/03/2021, Docketed: 02/11/2021
 Total Judgment: 57,997,858.12

HEARINGS

04/02/2021



Minute Order (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Defendant's Motion for Relief from Judgment
 Minute Order - No Hearing Held;
 Journal Entry Details:
The Court notes that Defendant's Motion for Relief from Judgment is set for a hearing on April 15, 2021 and Plaintiff's Motion for Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action is set for a hearing on April 27, 2021. At the request of the Court, for judicial economy, the hearings shall be consolidated and rescheduled to April 27, 2021 at 9:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/02/21 ;

04/23/2021



Minute Order (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Motion for Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action ; Defendant's Motion for Relief from Judgment
 Minute Order - No Hearing Held;
 Journal Entry Details:
Department 5's Formal Request to Appear REMOTELY for the April 27, 2021, hearing calendar. Please double check the docket for your start time. Please be advised that due to the COVID-19 pandemic, Department 5 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. Meeting ID: 874 794 282 Meeting URL: <https://bluejeans.com/874794282> To connect by phone dial 1-408-419-1715 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. We encourage you to visit the Bluejeans.com website to get familiar with the

CASE SUMMARY

CASE NO. A-21-828836-F

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, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/23/21 ;

04/27/2021 **Motion for Relief** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

Defendant's Motion for Relief from Judgment

Motion Denied;

04/27/2021 **Motion** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

Motion for Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action

Motion Granted;

04/27/2021  **All Pending Motions** (10:00 AM) (Judicial Officer: Barisich, Veronica M.)

Matter Heard;

Journal Entry Details:

Parties present via BlueJeans video conferencing. MOTION FOR JUDICIAL ASSIGNMENT OF THE PROCEEDS OF ORENTHAL JAMES SIMPSON'S RIGHTS OF ACTION... DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT Argument by Mr. Lavergne regarding his Motion for Relief from Judgment. Mr. Lavergne advised under NRS17.350 regarding domesticated foreign judgments, once a foreign judgment was domesticated in Nevada, it was to be treated as a Nevada judgment for all purposes. Further, Mr. Lavergne advised if the subject judgement was never litigated in Nevada, it was not necessary to renew the judgment. Mr. Lavergne argued that Mr. Goldman took action on the foreign judgement in 2007 and enforced the judgment in Nevada, therefore he was subject to NRS17.214 regarding renewal of a civil monetary judgment. Court noted the Court was under the opinion that the California Judgement being sought to be domesticated was from October of 2015. Mr. Lavergne advised that was incorrect because under California law, the renewal of a California judgement did not create a new judgment it just extends the time to enforce the original California judgement. Mr. Welsh argued there was an issue with Defendant's interpretation of the Nevada Supreme Court's decision in "Bianchi." Mr. Welsh took the position that whether the foreign judgment was litigated or not was not important, it was important whether the foreign judgment was valid and enforceable in the issuing state Mr. Walsh advised the foreign issuing state was California and the subject judgment was valid and enforceable in California. Upon Court's inquiry, counsel confirmed there were multiple parties seeking to recover from this judgment. Court inquired as to whether the only issue before the Court was whether or not to domesticate this foreign judgment or whether there were additional issues regarding interest. COURT FINDS, the Plaintiff was entitled to have the judgement domesticated. Court advised the Court did not believe the Defendant was entitled to relief from this judgement. COURT ORDERED, Defendant's Motion for Relief from Judgment DENIED. COURT FURTHER ORDERED, Plaintiff's Motion For Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action GRANTED. Mr. Welsh to prepare the order pursuant to the Court's decision and send it to opposing counsel for review.;

08/11/2021 **Motion** (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Defendant Motion to Alter or Amend Judgment

Motion Denied;

08/17/2021  **Minute Order** (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Defendant Motion to Alter or Amend Judgment

Minute Order - No Hearing Held;

Journal Entry Details:

The Court notes that Defendant's Motion to Alter or Amend Judgment is set on the Court's chamber calendar and Defendant is also opposing Plaintiff's ex parte application for order allowing examination of judgment debtor. After a review of the pleadings, and good cause appearing, pursuant to EDCR 2.23 and the Administrative Order 21-03, the Court FINDS and ORDERS as follows: NRCP 50(b) provides for either a new trial or a directed judgment as a matter of law: (b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial. If, for any reason, the court does not grant a motion for judgment as a matter of law

CASE SUMMARY

CASE NO. A-21-828836-F

made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after service of written notice of entry of judgment and may alternatively request a new trial or join a motion for new trial under Rule 59. "A motion for judgment notwithstanding the verdict presents solely a question of law to be determined by the court, and the power to grant such motions should be cautiously exercised." *Dudley v. Prima*, 84 Nev. 549, 551, 445 P.2d 31, 32 (1968). "In determining whether a directed verdict should be granted, the trial court must view the evidence and all inferences most favorably to the party against whom the motion is made." *Broussard v. Hill*, 100 Nev. 325, 327, 682 P.2d 1376, 1377 (1984). "Neither the credibility of the witnesses nor the weight of the evidence is to be considered by the court. If there is conflicting evidence on a material issue, or if reasonable persons could draw different inferences from the facts, the question is one of fact for the jury and not one of law for the court." *Id.* NRCP 59(a) provides: (a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues for any of the following causes or grounds materially affecting the substantial rights of an aggrieved party: (1) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence material for the party making the motion which the party could not, with reasonable diligence, have discovered and produced at the trial; (5) Manifest disregard by the jury of the instructions of the court; (6) Excessive damages appearing to have been given under the influence of passion or prejudice; or, (7) Error in law occurring at the trial and objected to by the party making the motion. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment. "A district court's decision to grant or deny a motion for a new trial is reviewed for an abuse of discretion." *Michaels v. Pentair Water Pool & Spa*, 131 Nev. 804, 814, 357 P.3d 387, 395 (Ct. App. 2015). "In determining whether such an abuse of discretion occurred, this court must view the evidence and all inferences most favorably to the party against whom the motion is made." *Id.* "A new trial based upon the prevailing party's misconduct does not require proof that the result would have been different in the first trial without such misconduct." *Barrett v. Baird*, 111 Nev. 1496, 908 P.2d 689 (1995). Generally, a district court CANNOT CONSIDER A JUROR AFFIDAVIT in connection with a motion for new trial, which neither attorney brought up in their motions. Here is the holding from the NSC in *ACP Reno Associates. v. Airmotive and Villanova, Inc.*, 109 Nev. 314, 317-8, 849 P.2d 277, 279 (1993): Since 1874, Nevada has generally adhered to Lord Mansfield's rule [which is that The Court cannot receive such an affidavit from any of the jurymen themselves, in all of whom such conduct is a very high misdemeanor; but in every such case the Court must derive their knowledge from some other source, such as some person having seen the transaction through a window or by some such other means]. This court has, however, departed from the general rule by allowing a juror to impeach the verdict for improper juror conduct. Notwithstanding the few instances of departure, this court affirms its adherence to the general rule prohibiting the use of juror affidavits to impeach the jury's verdict. We conclude that the present case is not an instance permitting the utilization of juror affidavits to impeach the verdict. Although A & V argues that the affidavits reveal nothing more than what physically transpired, or, more accurately, what did not transpire, in the jury room, i.e., deliberation on the issue of breach, this case is more accurately described as one involving a jury which simply misunderstood the instructions given it. In *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 645 P.2d 438 (1982), we were faced with a strikingly similar situation. There, the district court, after considering juror affidavits, granted a new trial because it believed that the jury had disregarded its instructions. We reversed, noting that other jurisdictions "have specifically held juror affidavits inadmissible to show that the jurors misunderstood the judge's instructions." We take this opportunity to reaffirm this position. The decision to grant or deny a motion for a new trial rests within the sound discretion of the trial court and will not be disturbed on appeal absent palpable abuse." We conclude that the district court abused its discretion by considering the jurors' affidavits. Accordingly, we reverse the district court's decision granting a new trial and remand for entry of judgment in accordance with the jury's verdict. "In determining the propriety of the granting of a new trial under NRCP 59(a)(5), the question is whether we are able to declare that, had the jurors properly applied the instructions of the court, it would have been impossible for them to reach the verdict which they reached." *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982). "Therefore, if the jurors could not have reached the verdict that they reached if they had properly applied the court's instruction on proximate cause, then the district court was obligated to grant a new trial." *Taylor v. Silva*, 96 Nev. 738, 740, 615 P.2d 970, 971 (1980). EDCR 2.24(a) states, "No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court

CASE SUMMARY**CASE NO. A-21-828836-F**

granted upon motion therefor, after notice of such motion to the adverse parties." A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument, unless there is reasonable probability that the court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996). The motion for reconsideration must be filed within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. EDCR 2.24(b). The Court FINDS and CONCLUDES that the basis of Defendant's motion to amend or alter the June 3, 2021 Order is that at some time during the April 27, 2021 hearing, after he had made his arguments, Defendant's counsel was logged off from the hearing and could not log back on until the hearing was concluded. However, as Plaintiff's counsel correctly points out, NRCP 59 relief to alter or amend is inapplicable because the Court never conducted a trial in this matter; rather, the hearing on April 27, 2021 was to determine whether Plaintiff has the right to collect proceeds for a judgment that was entered years ago in California and domesticated in Nevada, most recently on February 10, 2021. Even if the Court is to construe Defendant's motion as that one of a motion for reconsideration, rehearing is unwarranted because Defendant does not cite to any substantially different evidence and the order cannot be deemed to be clearly erroneous. Furthermore, the motion for reconsideration was untimely. The notice of entry of the order was filed on June 4, 2021, but the instant motion was not filed until July 2, 2021, over 14 days deadline set under EDCR 2.24(b). Although motion argues that counsel not being available for the entirety of the hearing violates his constitutional right to counsel, this proceeding is a purely civil proceeding and the Sixth Amendment right to counsel does not apply. Thus, the motion cannot be granted. The Court FINDS and CONCLUDES that Defendant's response to the ex parte application for order allowing examination of judgment debtor are not valid. As noted above, Defendant's motion to alter or amend judgment cannot be granted. Although Defendant argues that Plaintiff is seeking a discovery against a third party, the Court cannot accept such representation. Defendant's "authorized and knowledgeable representative" cannot be deemed to be a third party. Lastly, although Defendant argues that there is no entry of judgment filed in this case, at a minimum, the Notice of Filing [of the] Application of Foreign Judgment and Declaration of Judgment Creditor's Counsel on February 10, 2021 met this requirement. Thus, Plaintiff's ex parte application should be granted. The Court ORDERS that Defendant's Motion shall be DENIED. The Court shall GRANT Plaintiff's ex parte application for order allowing examination of judgment debtor. Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Defendant's counsel is to review and countersign as to form and content. Counsel is directed to have the proposed Order submitted to chambers within 14 days consistent with the AO 21-04 and EDCR 7.21. **CLERK'S NOTE:** This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 08/17/21;

09/14/2021

 **Minute Order** (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of the court, the hearing on (1) Garnishee Nevada Property 1, LLC s Motion for Judgment Pursuant to NRS 31.330 and (2) Defendant s Joinder to the Motion for Judgment, presently set for a hearing on September 21, 2021 shall be CONTINUED to September 23, 2021 at 9:00 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 09/20/21 ;

09/28/2021

CANCELED Motion to Quash (9:30 AM) (Judicial Officer: Truman, Erin)

Vacated

Defendant's Motion to Quash Subpoenas, Motion for a Protective Order, Motion for Sanctions, Motion for Attorney's Fees and Costs

09/28/2021

CANCELED Joinder (9:30 AM) (Judicial Officer: Truman, Erin)

Vacated

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-21-828836-F

Garnishee Nevada Property 1 LLC, d/b/a The Cosmopolitan of Las Vegas' Joinder to Defendant Orenthal J. Simpson's Motion to Quash Subpoenas, Motion for a Protective Order, Motion for Sanctions, Motion for Attorney's Fees and Costs

09/28/2021	Motion for Judgment (10:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>[24] Garnishee's Motion for Judgment Pursuant to NRS 31.330</i>
09/28/2021	Joinder (10:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>[29] Defendant's Joinder to the Cosmopolitan's Motion for Judgment</i>
11/16/2021	CANCELED Motion to Retax (9:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - Set in Error</i> <i>[43] Plaintiff Motion to Retax Costs</i>

DATE

FINANCIAL INFORMATION

Defendant Simpson, Orenthal James	
Total Charges	34.50
Total Payments and Credits	34.50
Balance Due as of 12/6/2021	0.00
Plaintiff Goldman, Frederic	
Total Charges	280.00
Total Payments and Credits	280.00
Balance Due as of 12/6/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-21-828836-F
Department 5

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

Plaintiff(s) (name/address/phone): FREDERIC GOLDMAN, an individual, and as personal representative of the Estate of Ronald Lyle Goldman, Deceased,	Defendant(s) (name/address/phone): ORENTHAL JAMES SIMPSON
Attorney (name/address/phone): Larson A. Welsh, Esq. (NV State Bar #: 12517) LAW OFFICE OF HAYES & WELSH 199 N. Arroyo Grande Blvd., Ste. 200, Henderson, NV 89074 Phone: (702) 434-3444; Fax: (702) 434-3739	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

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

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

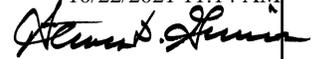
February 3, 2021

Date

/s/ Larson A. Welsh

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

ORDR
LARSON A. WELSH, ESQ.
Nevada State Bar No. 12517
LAW OFFICE OF HAYES & WELSH
199 North Arroyo Grande Blvd., Suite 200
Henderson, Nevada 89074
Phone: 702-434-3444
Fax: 702-434-3739
lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

Attorneys for Fredric Goldman

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

FREDRIC GOLDMAN, an individual, and as
personal representative of the Estate of Ronald
Lyle Goldman, Deceased,

Case No.: A-21-828836-F
Dept. No.: V (5)

Plaintiff/ Judgment Creditor,

v.

ORENTHAL JAMES SIMPSON,

Defendant/ Judgment Debtor.

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

**ORDER DENYING ORENTHAL JAMES SIMPSON’S MOTION
TO ALTER OR AMEND JUDGMENT
and
ORDER GRANTING FREDRIC GOLDMAN’S EX PARTE APPLICATION FOR
ORDER ALLOWING EXAMINATION OF JUDGMENT DEBTOR**

On July 2, 2021, Orenthal James Simpson (“Simpson”), through counsel, filed a *Motion to Alter or Amend Judgment* (“Simpson’s Motion” or “Motion”); on July 19, 2021, Fredric Goldman (“Goldman”), through counsel, filed an Opposition to Simpson’s Motion (“Goldman’s Opposition” or “Opposition”). The Motion was set to be decided in chambers and on August 17, 2021, the Court issued a Minute Order setting forth its findings and conclusions.

25 ...
26 ...
27 ...
28 ...

1 On July 28, 2021, Goldman filed an *Ex Parte Application for Examination of Judgment*
2 *Debtor* (“Goldman’s Application for JDE”). On August 3, 2021, Simpson filed a Response to
3 Goldman’s Application for JDE (“Simpson’s Response”). The Court having considered the
4 papers and pleadings on file, finds and orders as follows:

5 **Background**

6 On March 15, 2021, Simpson, through counsel, filed a *Motion for Relief from Judgment*
7 (“Simpson’s Motion for Relief”). On March 29, 2021, Goldman filed an Opposition to
8 Simpson’s Motion for Relief.

9 On March 24, 2021, Goldman, through counsel, filed a *Motion for Judicial Assignment*
10 *of the Proceeds of Orenthal James Simpson’s Rights of Action* (“Goldman’s Motion for Judicial
11 Assignment”). On April 8, 2021, Simpson filed an Opposition to Goldman’s Motion for Judicial
12 Assignment.

13 On April 27, 2021, the Court conducted a hearing on Simpson’s Motion for Relief and
14 Goldman’s Motion for Judicial Assignment, with Larson A. Welsh, Esq. appearing
15 telephonically on behalf of Goldman and Malcolm P. LaVergne, Esq. appearing via video on
16 behalf of Simpson.

17 On June 3, 2021, the Court entered an *Order Denying Orenthal James Simpson’s Motion*
18 *for Relief from Judgment & Granting Fredric Goldman’s Motion for Judicial Assignment of*
19 *Orenthal James Simpson’s Personal Property* (the “Order”).

20 On July 2, 2021, Simpson filed the Motion which set forth that Simpson’s counsel “video
21 feed was disrupted” during the April 27, 2021 hearing. As a result, Simpson’s Motion contended,
22 the Court should either: (1) alter or amend the judgment pursuant to NRCP 59; or (2) set a new
23 hearing pursuant to EDCR 2.24. On July 19, 2021, Goldman filed his Opposition to the Motion.

24 **Discussion – Simpson’s Motion**

25 NRCP 50(b) provides for either a new trial or a directed judgment as a matter of law:

26 (b) Renewing Motion for Judgment After Trial; Alternative Motion for New
27 Trial. If, for any reason, the court does not grant a motion for judgment as a matter
28 of law made at the close of all the evidence, the court is considered to have
submitted the action to the jury subject to the court's later deciding the legal
questions raised by the motion. The movant may renew its request for judgment
as a matter of law by filing a motion no later than 10 days after service of written

1 notice of entry of judgment and may alternatively request a new trial or join a
2 motion for new trial under Rule 59.

3 "A motion for judgment notwithstanding the verdict presents solely a question of law to
4 be determined by the court, and the power to grant such motions should be cautiously exercised."
5 *Dudley v. Prima*, 84 Nev. 549, 551, 445 P.2d 31, 32 (1968). "In determining whether a directed
6 verdict should be granted, the trial court must view the evidence and all inferences most
7 favorably to the party against whom the motion is made." *Broussard v. Hill*, 100 Nev. 325, 327,
8 682 P.2d 1376, 1377 (1984). "Neither the credibility of the witnesses nor the weight of the
9 evidence is to be considered by the court If there is conflicting evidence on a material issue, or
10 if reasonable persons could draw different inferences from the facts, the question is one of fact
11 for the jury and not one of law for the court." *Id.*

12 NRCP 59(a) provides:

13 (a) Grounds. A new trial may be granted to all or any of the parties and on all
14 or part of the issues for any of the following causes or grounds materially
15 affecting the substantial rights of an aggrieved party: (1) Irregularity in the
16 proceedings of the court, jury, master, or adverse party, or any order of the
17 court, or master, or abuse of discretion by which either party was prevented
18 from having a fair trial; (2) Misconduct of the jury or prevailing party; (3)
19 Accident or surprise which ordinary prudence could not have guarded against;
20 (4) Newly discovered evidence material for the party making the motion which
21 the party could not, with reasonable diligence, have discovered and produced
22 at the trial; (5) Manifest disregard by the jury of the instructions of the court;
23 (6) Excessive damages appearing to have been given under the influence of
24 passion or prejudice; or, (7) Error in law occurring at the trial and objected to
25 by the party making the motion. On a motion for a new trial in an action tried
26 without a jury, the court may open the judgment if one has been entered, take
27 additional testimony, amend findings of fact and conclusions of law or make
28 new findings and conclusions, and direct the entry of a new judgment.

21 "A district court's decision to grant or deny a motion for a new trial is reviewed for an
22 abuse of discretion." *Michaels v. Pentair Water Pool & Spa*, 131 Nev. 804, 814, 357 P.3d 387,
23 395 (Ct. App. 2015). "In determining whether such an abuse of discretion occurred, this court
24 must view the evidence and all inferences most favorably to the party against whom the motion
25 is made." *Id.* "A new trial based upon the prevailing party's misconduct does not require proof
26 that the result would have been different in the first trial without such misconduct." *Barrett v.*
27 *Baird*, 111 Nev. 1496, 908 P.2d 689 (1995).

28 ...

1 "In determining the propriety of the granting of a new trial under NRCP 59(a)(5), the
2 question is whether we are able to declare that, had the jurors properly applied the instructions
3 of the court, it would have been impossible for them to reach the verdict which they reached."
4 *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982). "Therefore, if
5 the jurors could not have reached the verdict that they reached if they had properly applied the
6 court's instruction on proximate cause, then the district court was obligated to grant a new trial."
7 *Taylor v. Silva*, 96 Nev. 738, 740, 615 P.2d 970, 971 (1980).

8 EDCR 2.24(a) states, "[n]o motions once heard and disposed of may be renewed in the
9 same cause, nor may the same matters therein embraced be reheard, unless by leave of the court
10 granted upon motion therefor, after notice of such motion to the adverse parties." A district court
11 may reconsider a previously decided issue if substantially different evidence is subsequently
12 introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern*
13 *Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in
14 very rare instances in which new issues of fact or law are raised supporting a ruling contrary to
15 the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*,
16 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Rehearings are not granted as a matter of right and
17 are not allowed for the purpose of reargument, unless there is reasonable probability that the
18 court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178
19 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be
20 maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742,
21 917 P.2d 447, 450 (1996). A motion for reconsideration must be filed within 14 days after
22 service of written notice of the order or judgment unless the time is shortened or enlarged by
23 order. EDCR 2.24(b).

24 Generally, a district court cannot consider a juror affidavit in connection with a motion
25 for new trial, which neither attorney brought up in their motions. *ACP Reno Associates. v.*
26 *Airmotive and Villanova, Inc.*, 109 Nev. 314, 317-8, 849 P.2d 277, 279 (1993).

27 ...

28 ...

ORDER

IT IS HEREBY ORDERED that Simpson's *Motion to Alter or Amend Judgment* is DENIED in its entirety.

IT IS FURTHER ORDERED that Goldman's *Ex Parte Application for Order Allowing Examination of Judgment Debtor* is Granted.¹

IT IS SO ORDERED.

DATED _____

Dated this 22nd day of October, 2021



DISTRICT COURT JUDGE

**789 607 8E7B 3D05
Veronica M. Barisich
District Court Judge**

Respectfully submitted by:

/s/ Larson A. Welsh 8/31/21

LARSON A. WELSH, ESQ.
Nevada State Bar No. 12517
LAW OFFICE OF HAYES & WELSH
199 North Arroyo Grande Blvd., Suite 200
Henderson, Nevada 89074
Telephone: (702) 434-3444
lwelsh@lvlaw.com
Attorneys for Fredric Goldman

Approved as to Content and Form:

/s/ _____

Malcolm P. LaVergne, Esq.
Nevada Bar No. 10121
MALCOLM P. LAVERGNE & ASSOCIATES
400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Telephone: (702) 448-7981
mlavergne@lavernelaw.com
Attorneys for Orenthal James Simpson

Case No.: A-21-828836-F

¹ A separate Order was issued on August 19, 2021, which granted Goldman's Ex Parte Application for Order Allowing Examination of Judgment Debtor and set forth the pertinent details of said examination.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4 5 6 Frederic Goldman, Plaintiff(s)	CASE NO: A-21-828836-F
7 vs. Orenthal Simpson, 8 Defendant(s)	DEPT. NO. Department 5

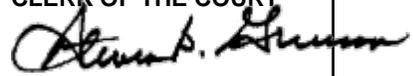
9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 10/22/2021

14 Audra Bonney	abonney@wwhgd.com
15 Larson Welsh	Lwelsh@lvlaw.com
16 Malcolm LaVergne	mlavergne@lavergnelaw.com
17 Kathleen Bratton	k.bratton@hayesandwelsh.onmicrosoft.com
18 Kacie Cruz	kcruz@wwhgd.com
19 Phillip Smith, Jr.	psmithjr@wwhgd.com
20 Flor Gonzalez-Pacheco	FGonzalez-Pacheco@wwhgd.com
21 Kelly Gaez	kgaez@wwhgd.com
22 Maxine Rosenberg	Mrosenberg@wwhgd.com

23
24
25
26
27
28



1 **NEOJ**
2 LARSON A. WELSH, ESQ.
3 Nevada State Bar No. 12517
4 LAW OFFICE OF HAYES & WELSH
5 199 North Arroyo Grande Blvd., Suite 200
6 Henderson, Nevada 89074
7 Phone: 702-434-3444
8 Fax #: 702-434-3739
9 lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

6 *Attorneys for Plaintiff/Judgment Creditor*

7 EIGHTH JUDICIAL DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 FREDRIC GOLDMAN, an individual, and as
10 personal representative of the Estate of Ronald
11 Lyle Goldman, Deceased,

CASE NO.: A-21-828836-F
Dept. No.: V (5)

11 Plaintiff/ Judgment Creditor,

12 v.

13 ORENTHAL JAMES SIMPSON,

14 Defendant/ Judgment Debtor.

17 **NOTICE OF ENTRY OF ORDERS DENYING AND GRANTING**

18 PLEASE TAKE NOTICE that on October 22, 2021, the above-noted Court entered an
19 *Order Denying Orenthal James Simpson's Motion to Alter or Amend Judgment and Order*
20 *Granting Fredric Goldman's Ex Parte Application for Order Allowing Examination of Judgment*
21 *Debtor*, in the above-captioned case, a copy of which is attached hereto as **Exhibit 1**.

22 DATED: November 3, 2021

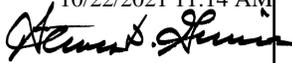
LAW OFFICE OF HAYES & WELSH

23 By: /s/ Larson A. Welsh

24 LARSON A. WELSH, ESQ.
25 Nevada State Bar No. 12517
26 199 North Arroyo Grande Blvd., Suite 200
27 Henderson, Nevada 89074
28 (702) 434-3444
Attorneys for Plaintiff/Judgment Creditor
FREDRIC GOLDMAN, an individual, and
as personal representative of the Estate
of Ronald Lyle Goldman, Deceased

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

EXHIBIT 1

Electronically Filed
10/22/2021 11:14 AM

CLERK OF THE COURT

1 **ORDER**
2 LARSON A. WELSH, ESQ.
3 Nevada State Bar No. 12517
4 LAW OFFICE OF HAYES & WELSH
5 199 North Arroyo Grande Blvd., Suite 200
6 Henderson, Nevada 89074
7 Phone: 702-434-3444
8 Fax: 702-434-3739
9 lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

10 *Attorneys for Fredric Goldman*

11 EIGHTH JUDICIAL DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 FREDRIC GOLDMAN, an individual, and as
14 personal representative of the Estate of Ronald
15 Lyle Goldman, Deceased,

Case No.: A-21-828836-F
Dept. No.: V (5)

16 Plaintiff/ Judgment Creditor,

17 v.

18 ORENTHAL JAMES SIMPSON,

19 Defendant/ Judgment Debtor.

20 **ORDER DENYING ORENTHAL JAMES SIMPSON’S MOTION**
21 **TO ALTER OR AMEND JUDGMENT**
22 **and**
23 **ORDER GRANTING FREDRIC GOLDMAN’S EX PARTE APPLICATION FOR**
24 **ORDER ALLOWING EXAMINATION OF JUDGMENT DEBTOR**

25 On July 2, 2021, Orenthal James Simpson (“Simpson”), through counsel, filed a *Motion*
26 *to Alter or Amend Judgment* (“Simpson’s Motion” or “Motion”); on July 19, 2021, Fredric
27 Goldman (“Goldman”), through counsel, filed an Opposition to Simpson’s Motion (“Goldman’s
28 Opposition” or “Opposition”). The Motion was set to be decided in chambers and on August
17, 2021, the Court issued a Minute Order setting forth its findings and conclusions.

25 ...
26 ...
27 ...
28 ...

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 On July 28, 2021, Goldman filed an *Ex Parte Application for Examination of Judgment*
2 *Debtor* (“Goldman’s Application for JDE”). On August 3, 2021, Simpson filed a Response to
3 Goldman’s Application for JDE (“Simpson’s Response”). The Court having considered the
4 papers and pleadings on file, finds and orders as follows:

5 **Background**

6 On March 15, 2021, Simpson, through counsel, filed a *Motion for Relief from Judgment*
7 (“Simpson’s Motion for Relief”). On March 29, 2021, Goldman filed an Opposition to
8 Simpson’s Motion for Relief.

9 On March 24, 2021, Goldman, through counsel, filed a *Motion for Judicial Assignment*
10 *of the Proceeds of Orenthal James Simpson’s Rights of Action* (“Goldman’s Motion for Judicial
11 Assignment”). On April 8, 2021, Simpson filed an Opposition to Goldman’s Motion for Judicial
12 Assignment.

13 On April 27, 2021, the Court conducted a hearing on Simpson’s Motion for Relief and
14 Goldman’s Motion for Judicial Assignment, with Larson A. Welsh, Esq. appearing
15 telephonically on behalf of Goldman and Malcolm P. LaVergne, Esq. appearing via video on
16 behalf of Simpson.

17 On June 3, 2021, the Court entered an *Order Denying Orenthal James Simpson’s Motion*
18 *for Relief from Judgment & Granting Fredric Goldman’s Motion for Judicial Assignment of*
19 *Orenthal James Simpson’s Personal Property* (the “Order”).

20 On July 2, 2021, Simpson filed the Motion which set forth that Simpson’s counsel “video
21 feed was disrupted” during the April 27, 2021 hearing. As a result, Simpson’s Motion contended,
22 the Court should either: (1) alter or amend the judgment pursuant to NRCP 59; or (2) set a new
23 hearing pursuant to EDCR 2.24. On July 19, 2021, Goldman filed his Opposition to the Motion.

24 **Discussion – Simpson’s Motion**

25 NRCP 50(b) provides for either a new trial or a directed judgment as a matter of law:

26 (b) Renewing Motion for Judgment After Trial; Alternative Motion for New
27 Trial. If, for any reason, the court does not grant a motion for judgment as a matter
28 of law made at the close of all the evidence, the court is considered to have
submitted the action to the jury subject to the court's later deciding the legal
questions raised by the motion. The movant may renew its request for judgment
as a matter of law by filing a motion no later than 10 days after service of written

1 notice of entry of judgment and may alternatively request a new trial or join a
2 motion for new trial under Rule 59.

3 "A motion for judgment notwithstanding the verdict presents solely a question of law to
4 be determined by the court, and the power to grant such motions should be cautiously exercised."
5 *Dudley v. Prima*, 84 Nev. 549, 551, 445 P.2d 31, 32 (1968). "In determining whether a directed
6 verdict should be granted, the trial court must view the evidence and all inferences most
7 favorably to the party against whom the motion is made." *Broussard v. Hill*, 100 Nev. 325, 327,
8 682 P.2d 1376, 1377 (1984). "Neither the credibility of the witnesses nor the weight of the
9 evidence is to be considered by the court If there is conflicting evidence on a material issue, or
10 if reasonable persons could draw different inferences from the facts, the question is one of fact
11 for the jury and not one of law for the court." *Id.*

12 NRCP 59(a) provides:

13 (a) Grounds. A new trial may be granted to all or any of the parties and on all
14 or part of the issues for any of the following causes or grounds materially
15 affecting the substantial rights of an aggrieved party: (1) Irregularity in the
16 proceedings of the court, jury, master, or adverse party, or any order of the
17 court, or master, or abuse of discretion by which either party was prevented
18 from having a fair trial; (2) Misconduct of the jury or prevailing party; (3)
19 Accident or surprise which ordinary prudence could not have guarded against;
20 (4) Newly discovered evidence material for the party making the motion which
21 the party could not, with reasonable diligence, have discovered and produced
22 at the trial; (5) Manifest disregard by the jury of the instructions of the court;
23 (6) Excessive damages appearing to have been given under the influence of
24 passion or prejudice; or, (7) Error in law occurring at the trial and objected to
25 by the party making the motion. On a motion for a new trial in an action tried
26 without a jury, the court may open the judgment if one has been entered, take
27 additional testimony, amend findings of fact and conclusions of law or make
28 new findings and conclusions, and direct the entry of a new judgment.

21 "A district court's decision to grant or deny a motion for a new trial is reviewed for an
22 abuse of discretion." *Michaels v. Pentair Water Pool & Spa*, 131 Nev. 804, 814, 357 P.3d 387,
23 395 (Ct. App. 2015). "In determining whether such an abuse of discretion occurred, this court
24 must view the evidence and all inferences most favorably to the party against whom the motion
25 is made." *Id.* "A new trial based upon the prevailing party's misconduct does not require proof
26 that the result would have been different in the first trial without such misconduct." *Barrett v.*
27 *Baird*, 111 Nev. 1496, 908 P.2d 689 (1995).

28 ...

1 "In determining the propriety of the granting of a new trial under NRCP 59(a)(5), the
2 question is whether we are able to declare that, had the jurors properly applied the instructions
3 of the court, it would have been impossible for them to reach the verdict which they reached."
4 *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982). "Therefore, if
5 the jurors could not have reached the verdict that they reached if they had properly applied the
6 court's instruction on proximate cause, then the district court was obligated to grant a new trial."
7 *Taylor v. Silva*, 96 Nev. 738, 740, 615 P.2d 970, 971 (1980).

8 EDCR 2.24(a) states, "[n]o motions once heard and disposed of may be renewed in the
9 same cause, nor may the same matters therein embraced be reheard, unless by leave of the court
10 granted upon motion therefor, after notice of such motion to the adverse parties." A district court
11 may reconsider a previously decided issue if substantially different evidence is subsequently
12 introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern*
13 *Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in
14 very rare instances in which new issues of fact or law are raised supporting a ruling contrary to
15 the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*,
16 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Rehearings are not granted as a matter of right and
17 are not allowed for the purpose of reargument, unless there is reasonable probability that the
18 court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178
19 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be
20 maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742,
21 917 P.2d 447, 450 (1996). A motion for reconsideration must be filed within 14 days after
22 service of written notice of the order or judgment unless the time is shortened or enlarged by
23 order. EDCR 2.24(b).

24 Generally, a district court cannot consider a juror affidavit in connection with a motion
25 for new trial, which neither attorney brought up in their motions. *ACP Reno Associates. v.*
26 *Airmotive and Villanova, Inc.*, 109 Nev. 314, 317-8, 849 P.2d 277, 279 (1993).

27 ...

28 ...

ORDER

IT IS HEREBY ORDERED that Simpson's *Motion to Alter or Amend Judgment* is DENIED in its entirety.

IT IS FURTHER ORDERED that Goldman's *Ex Parte Application for Order Allowing Examination of Judgment Debtor* is Granted.¹

IT IS SO ORDERED.

DATED _____

Dated this 22nd day of October, 2021



DISTRICT COURT JUDGE

**789 607 8E7B 3D05
Veronica M. Barisich
District Court Judge**

Respectfully submitted by:

/s/ Larson A. Welsh 8/31/21

LARSON A. WELSH, ESQ.
Nevada State Bar No. 12517
LAW OFFICE OF HAYES & WELSH
199 North Arroyo Grande Blvd., Suite 200
Henderson, Nevada 89074
Telephone: (702) 434-3444
lwelsh@lvlaw.com
Attorneys for Fredric Goldman

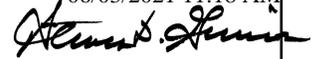
Approved as to Content and Form:

/s/ _____

Malcolm P. LaVergne, Esq.
Nevada Bar No. 10121
MALCOLM P. LAVERGNE & ASSOCIATES
400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Telephone: (702) 448-7981
mlavergne@lavernelaw.com
Attorneys for Orenthal James Simpson

Case No.: A-21-828836-F

¹ A separate Order was issued on August 19, 2021, which granted Goldman's Ex Parte Application for Order Allowing Examination of Judgment Debtor and set forth the pertinent details of said examination.



CLERK OF THE COURT

1 **ORDR**
 2 LARSON A. WELSH, ESQ.
 3 Nevada State Bar No. 12517
 4 LAW OFFICE OF HAYES & WELSH
 5 199 No. Arroyo Grande Blvd., Suite 200
 Henderson, Nevada 89074
 6 Phone: 702-434-3444
 Fax #: 702-434-3739
 7 lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

8 *Attorneys for Plaintiff/Judgment Creditor*

9 EIGHTH JUDICIAL DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 FREDRIC GOLDMAN, an individual, and
12 as personal representative of the Estate of
13 Ronald Lyle Goldman, Deceased,

CASE NO.: A-21-828836-F
Dept. No.: V (5)

14 Plaintiff/ Judgment Creditor,

15 v.

16 ORENTHAL JAMES SIMPSON,

17 Defendant/ Judgment Debtor.

18 **ORDER DENYING ORENTHAL JAMES SIMPSON’S MOTION FOR RELIEF**
19 **FROM JUDGMENT**

20 and

21 **ORDER GRANTING FREDRIC GOLDMAN’S MOTION FOR JUDICIAL**
22 **ASSIGNMENT OF ORENTHAL JAMES SIMPSON’S PERSONAL PROPERTY**

23 On March 15, 2021, Orenthal James Simpson (“Simpson”), through his counsel, filed a
 24 *Motion for Relief from Judgment* (“Simpson’s Motion for Relief”); on March 24, 2021, Fredric
 25 Goldman (“Goldman”), through counsel, filed a *Motion for Judicial Assignment of the Proceeds*
 26 *of Orenthal James Simpson’s Rights of Action* (“Goldman’s Motion for Judicial Assignment”);
 27 on April 27, 2021, the Court conducted a hearing on Simpson’s Motion for Relief and Goldman’s
 28 Motion for Judicial Assignment, with Larson A. Welsh, Esq. appearing on behalf of Goldman
 and Malcolm P. LaVergne, Esq. appearing on behalf of Simpson; and the Court having
 considered oral arguments and papers and pleadings on file, orders the following:

///

LAW OFFICE OF
HAYES & WELSH
 A PROFESSIONAL CORPORATION
 199 NORTH ARROYO GRANDE BLVD., SUITE 200
 HENDERSON, NEVADA 89074
 (702) 434-3444 FAX (702) 434-3739

Subject: Re: Proposed Order

Date: Thursday, May 13, 2021 at 2:59:16 PM Pacific Daylight Time

From: Larson Welsh <lwelsh@lvlaw.com>

To: mlavergne@lavergnelaw.com <mlavergne@lavergnelaw.com>

CC: Kathleen Bratton <k.bratton@hayesandwelsh.onmicrosoft.com>

Mr. LaVergne:

We never received a signed copy of the order sent on April 28th, nor did we receive any proposed revisions from you. If we do not hear back from you by tomorrow at 3pm, we will submit the proposed order as drafted to the judge. Thanks.

Sincerely,

Larson A. Welsh, Esq.

From: Larson Welsh <lwelsh@lvlaw.com>

Date: Wednesday, April 28, 2021 at 3:18 PM

To: mlavergne@lavergnelaw.com <mlavergne@lavergnelaw.com>

Cc: Kathleen Bratton <k.bratton@hayesandwelsh.onmicrosoft.com>

Subject: Proposed Order

Mr. LaVergne:

Attached for your review is the proposed order from yesterday's hearing.

Sincerely,

Larson A. Welsh, Esq.

Attorney

Law Office of Hayes & Welsh

199 N. Arroyo Grande Blvd., Ste. 200

Henderson, NV 89074

Ph: 702-434-3444

Direct: 702-960-4056

Fax: 702-434-3739

Lwelsh@lvlaw.com

www.lvlaw.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Frederic Goldman, Plaintiff(s) | CASE NO: A-21-828836-F
7 vs. Orenthal Simpson, | DEPT. NO. Department 5
8 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 was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 6/3/2021

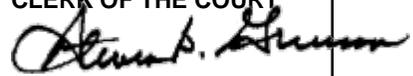
14 Larson Welsh Lwelsh@lvlaw.com

15 Malcolm LaVergne mlavergne@lavergnelaw.com

16 Kathleen Bratton k.bratton@hayesandwelsh.onmicrosoft.com

17 Phillip Smith, Jr. psmithjr@wwhgd.com

18
19
20
21
22
23
24
25
26
27
28



1 **NEOJ**
2 LARSON A. WELSH, ESQ.
3 Nevada State Bar No. 12517
4 LAW OFFICE OF HAYES & WELSH
5 199 N. Arroyo Grande Blvd., Suite 200
6 Henderson, Nevada 89074
7 Phone: 702-434-3444
8 Fax #: 702-434-3739
9 lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

6 *Attorneys for Plaintiff*

7 EIGHTH JUDICIAL DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 FREDRIC GOLDMAN, an individual, and as
10 personal representative of the Estate of
11 Ronald Lyle Goldman, Deceased,

CASE NO.: A-21-828836-F
Dept. No.: V (5)

11 Plaintiff,

12 v.

13 ORENTHAL JAMES SIMPSON,

14 Defendant.

15
16
17 **NOTICE OF ENTRY OF ORDER DENYING AND GRANTING**

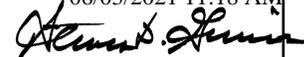
18 PLEASE TAKE NOTICE that on June 3, 2021, the Court entered an Order Denying
19 Orenthal James Simpson's Motion for Relief from Judgment and Granting Fredric Goldman's
20 Motion for Judicial Assignment of Orenthal James Simpson's Personal Property in the above-
21 captioned case, a copy of which is attached hereto.

22 DATED: June 4, 2021

LAW OFFICE OF HAYES & WELSH

23
24 By: /s/ Larson A. Welsh
25 LARSON A. WELSH, ESQ.
26 NV Bar # 12517
27 199 N. Arroyo Grande Blvd., Suite 200
28 Henderson, Nevada 89074
(702) 434-3444
Attorneys for Plaintiff
FREDRIC GOLDMAN, an individual, and
as personal representative of the Estate
of Ronald Lyle Goldman, Deceased

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739



CLERK OF THE COURT

1 **ORDR**
2 LARSON A. WELSH, ESQ.
3 Nevada State Bar No. 12517
4 LAW OFFICE OF HAYES & WELSH
5 199 No. Arroyo Grande Blvd., Suite 200
6 Henderson, Nevada 89074
7 Phone: 702-434-3444
8 Fax #: 702-434-3739
9 lwelsh@lvlaw.com; k.bratton@hayesandwelsh.onmicrosoft.com

10 *Attorneys for Plaintiff/Judgment Creditor*

11 EIGHTH JUDICIAL DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 FREDRIC GOLDMAN, an individual, and
14 as personal representative of the Estate of
15 Ronald Lyle Goldman, Deceased,

CASE NO.: A-21-828836-F
Dept. No.: V (5)

16 Plaintiff/ Judgment Creditor,

17 v.

18 ORENTHAL JAMES SIMPSON,

19 Defendant/ Judgment Debtor.

20 **ORDER DENYING ORENTHAL JAMES SIMPSON’S MOTION FOR RELIEF**
21 **FROM JUDGMENT**

22 and

23 **ORDER GRANTING FREDRIC GOLDMAN’S MOTION FOR JUDICIAL**
24 **ASSIGNMENT OF ORENTHAL JAMES SIMPSON’S PERSONAL PROPERTY**

25 On March 15, 2021, Orenthal James Simpson (“Simpson”), through his counsel, filed a
26 *Motion for Relief from Judgment* (“Simpson’s Motion for Relief”); on March 24, 2021, Fredric
27 Goldman (“Goldman”), through counsel, filed a *Motion for Judicial Assignment of the Proceeds*
28 *of Orenthal James Simpson’s Rights of Action* (“Goldman’s Motion for Judicial Assignment”);
on April 27, 2021, the Court conducted a hearing on Simpson’s Motion for Relief and Goldman’s
Motion for Judicial Assignment, with Larson A. Welsh, Esq. appearing on behalf of Goldman
and Malcolm P. LaVergne, Esq. appearing on behalf of Simpson; and the Court having
considered oral arguments and papers and pleadings on file, orders the following:

///

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

Subject: Re: Proposed Order

Date: Thursday, May 13, 2021 at 2:59:16 PM Pacific Daylight Time

From: Larson Welsh <lwelsh@lvlaw.com>

To: mlavergne@lavergnelaw.com <mlavergne@lavergnelaw.com>

CC: Kathleen Bratton <k.bratton@hayesandwelsh.onmicrosoft.com>

Mr. LaVergne:

We never received a signed copy of the order sent on April 28th, nor did we receive any proposed revisions from you. If we do not hear back from you by tomorrow at 3pm, we will submit the proposed order as drafted to the judge. Thanks.

Sincerely,

Larson A. Welsh, Esq.

From: Larson Welsh <lwelsh@lvlaw.com>

Date: Wednesday, April 28, 2021 at 3:18 PM

To: mlavergne@lavergnelaw.com <mlavergne@lavergnelaw.com>

Cc: Kathleen Bratton <k.bratton@hayesandwelsh.onmicrosoft.com>

Subject: Proposed Order

Mr. LaVergne:

Attached for your review is the proposed order from yesterday's hearing.

Sincerely,

Larson A. Welsh, Esq.

Attorney

Law Office of Hayes & Welsh

199 N. Arroyo Grande Blvd., Ste. 200

Henderson, NV 89074

Ph: 702-434-3444

Direct: 702-960-4056

Fax: 702-434-3739

Lwelsh@lvlaw.com

www.lvlaw.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Foreign Judgment

COURT MINUTES

April 02, 2021

A-21-828836-F Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

April 02, 2021 3:00 AM Minute Order

HEARD BY: Barisich, Veronica M. **COURTROOM:** Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes that Defendant's Motion for Relief from Judgment is set for a hearing on April 15, 2021 and Plaintiff's Motion for Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action is set for a hearing on April 27, 2021. At the request of the Court, for judicial economy, the hearings shall be consolidated and rescheduled to April 27, 2021 at 9:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/02/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Foreign Judgment

COURT MINUTES

April 23, 2021

A-21-828836-F Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

April 23, 2021 3:00 AM Minute Order

HEARD BY: Barisich, Veronica M. **COURTROOM:** Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 5's Formal Request to Appear REMOTELY for the April 27, 2021, hearing calendar. Please double check the docket for your start time.

Please be advised that due to the COVID-19 pandemic, Department 5 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.

Meeting ID: 874 794 282

Meeting URL: <https://bluejeans.com/874794282>

To connect by phone dial 1-408-419-1715 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.

We encourage you to visit the [Bluejeans.com](https://www.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, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/23/21

DISTRICT COURT
CLARK COUNTY, NEVADA

Foreign Judgment

COURT MINUTES

April 27, 2021

A-21-828836-F Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

April 27, 2021 10:00 AM All Pending Motions

HEARD BY: Barisich, Veronica M. COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Lauren Kidd

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Lavergne, Malcolm P. Attorney
Welsh, Larson A. Attorney

JOURNAL ENTRIES

- Parties present via BlueJeans video conferencing.

MOTION FOR JUDICIAL ASSIGNMENT OF THE PROCEEDS OF ORENTHAL JAMES SIMPSON'S RIGHTS OF ACTION... DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT

Argument by Mr. Lavergne regarding his Motion for Relief from Judgement. Mr. Lavergne advised under NRS17.350 regarding domesticated foreign judgments, once a foreign judgment was domesticated in Nevada, it was to be treated as a Nevada judgment for all purposes. Further, Mr. Lavergne advised if the subject judgement was never litigated in Nevada, it was not necessary to renew the judgment. Mr. Lavergne argued that Mr. Goldman took action on the foreign judgement in 2007 and enforced the judgment in Nevada, therefore he was subject to NRS17.214 regarding renewal of a civil monetary judgment. Court noted the Court was under the opinion that the California Judgement being sought to be domesticated was from October of 2015. Mr. Lavergne advised that was incorrect because under California law, the renewal of a California judgement did not create a new judgment it just extends the time to enforce the original California Judgement. Mr. Welsh argued there was an issue with Defendant's interpretation of the Nevada Supreme Court s decision in "Bianchi." Mr. Welsh took the position that wether the foreign judgment was litigated or

not was not important, it was important whether the foreign judgment was valid and enforceable in the issuing state Mr. Walsh advised the foreign issuing state was California and the subject judgment was valid and enforceable in California. Upon Court's inquiry, counsel confirmed there were multiple parties seeking to recover from this judgment. Court inquired as to whether the only issue before the Court was whether or not to domesticate this foreign judgment or whether there were additional issues regarding interest. COURT FINDS, the Plaintiff was entitled to have the judgement domesticated. Court advised the Court did not believe the Defendant was entitled to relief from this judgement. COURT ORDERED, Defendant's Motion for Relief from Judgment DENIED. COURT FURTHER ORDERED, Plaintiff's Motion For Judicial Assignment of the Proceeds of Orenthal James Simpson's Rights of Action GRANTED. Mr. Welsh to prepare the order pursuant to the Court's decision and send it to opposing counsel for review.

DISTRICT COURT
CLARK COUNTY, NEVADA

Foreign Judgment

COURT MINUTES

August 17, 2021

A-21-828836-F Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

August 17, 2021 3:00 AM Minute Order

HEARD BY: Barisich, Veronica M. COURTROOM: Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- The Court notes that Defendant's Motion to Alter or Amend Judgment is set on the Court's chamber calendar and Defendant is also opposing Plaintiff's ex parte application for order allowing examination of judgment debtor. After a review of the pleadings, and good cause appearing, pursuant to EDCR 2.23 and the Administrative Order 21-03, the Court FINDS and ORDERS as follows:

NRCP 50(b) provides for either a new trial or a directed judgment as a matter of law:

(b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after service of written notice of entry of judgment and may alternatively request a new trial or join a motion for new trial under Rule 59.

"A motion for judgment notwithstanding the verdict presents solely a question of law to be determined by the court, and the power to grant such motions should be cautiously exercised." Dudley v. Prima, 84 Nev. 549, 551, 445 P.2d 31, 32 (1968). "In determining whether a directed verdict should be granted, the trial court must view the evidence and all inferences most favorably to the

party against whom the motion is made." *Broussard v. Hill*, 100 Nev. 325, 327, 682 P.2d 1376, 1377 (1984). "Neither the credibility of the witnesses nor the weight of the evidence is to be considered by the court. If there is conflicting evidence on a material issue, or if reasonable persons could draw different inferences from the facts, the question is one of fact for the jury and not one of law for the court." *Id.*

NRCP 59(a) provides:

(a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues for any of the following causes or grounds materially affecting the substantial rights of an aggrieved party: (1) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence material for the party making the motion which the party could not, with reasonable diligence, have discovered and produced at the trial; (5) Manifest disregard by the jury of the instructions of the court; (6) Excessive damages appearing to have been given under the influence of passion or prejudice; or, (7) Error in law occurring at the trial and objected to by the party making the motion. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

"A district court's decision to grant or deny a motion for a new trial is reviewed for an abuse of discretion." *Michaels v. Pentair Water Pool & Spa*, 131 Nev. 804, 814, 357 P.3d 387, 395 (Ct. App. 2015). "In determining whether such an abuse of discretion occurred, this court must view the evidence and all inferences most favorably to the party against whom the motion is made." *Id.* "A new trial based upon the prevailing party's misconduct does not require proof that the result would have been different in the first trial without such misconduct." *Barrett v. Baird*, 111 Nev. 1496, 908 P.2d 689 (1995).

Generally, a district court CANNOT CONSIDER A JUROR AFFIDAVIT in connection with a motion for new trial, which neither attorney brought up in their motions. Here is the holding from the NSC in *ACP Reno Associates. v. Airmotive and Villanova, Inc.*, 109 Nev. 314, 317-8, 849 P.2d 277, 279 (1993):

Since 1874, Nevada has generally adhered to Lord Mansfield's rule [which is that The Court cannot receive such an affidavit from any of the jurymen themselves, in all of whom such conduct is a very high misdemeanor; but in every such case the Court must derive their knowledge from some other source, such as some person having seen the transaction through a window or by some such other means]. This court has, however, departed from the general rule by allowing a juror to impeach the verdict for improper juror conduct. Notwithstanding the few instances of departure, this court affirms its adherence to the general rule prohibiting the use of juror affidavits to impeach the jury's verdict. We conclude that the present case is not an instance permitting the utilization of juror

affidavits to impeach the verdict. Although A & V argues that the affidavits reveal nothing more than what physically transpired, or, more accurately, what did not transpire, in the jury room, i.e., deliberation on the issue of breach, this case is more accurately described as one involving a jury which simply misunderstood the instructions given it. In *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 645 P.2d 438 (1982), we were faced with a strikingly similar situation. There, the district court, after considering juror affidavits, granted a new trial because it believed that the jury had disregarded its instructions. We reversed, noting that other jurisdictions "have specifically held juror affidavits inadmissible to show that the jurors misunderstood the judge's instructions." We take this opportunity to reaffirm this position. The decision to grant or deny a motion for a new trial rests within the sound discretion of the trial court and will not be disturbed on appeal absent palpable abuse." We conclude that the district court abused its discretion by considering the jurors' affidavits. Accordingly, we reverse the district court's decision granting a new trial and remand for entry of judgment in accordance with the jury's verdict.

"In determining the propriety of the granting of a new trial under NRCP 59(a)(5), the question is whether we are able to declare that, had the jurors properly applied the instructions of the court, it would have been impossible for them to reach the verdict which they reached." *Weaver Brothers, Ltd. v. Misskelley*, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982). "Therefore, if the jurors could not have reached the verdict that they reached if they had properly applied the court's instruction on proximate cause, then the district court was obligated to grant a new trial." *Taylor v. Silva*, 96 Nev. 738, 740, 615 P.2d 970, 971 (1980).

EDCR 2.24(a) states, "No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties." A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument, unless there is reasonable probability that the court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996). The motion for reconsideration must be filed within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. EDCR 2.24(b).

The Court FINDS and CONCLUDES that the basis of Defendant's motion to amend or alter the June 3, 2021 Order is that at some time during the April 27, 2021 hearing, after he had made his arguments, Defendant's counsel was logged off from the hearing and could not log back on until the hearing was concluded. However, as Plaintiff's counsel correctly points out, NRCP 59 relief to alter or amend is inapplicable because the Court never conducted a trial in this matter; rather, the hearing on April 27,

2021 was to determine whether Plaintiff has the right to collect proceeds for a judgment that was entered years ago in California and domesticated in Nevada, most recently on February 10, 2021. Even if the Court is to construe Defendant's motion as that one of a motion for reconsideration, rehearing is unwarranted because Defendant does not cite to any substantially different evidence and the order cannot be deemed to be clearly erroneous. Furthermore, the motion for reconsideration was untimely. The notice of entry of the order was filed on June 4, 2021, but the instant motion was not filed until July 2, 2021, over 14 days deadline set under EDCR 2.24(b). Although motion argues that counsel not being available for the entirety of the hearing violates his constitutional right to counsel, this proceeding is a purely civil proceeding and the Sixth Amendment right to counsel does not apply. Thus, the motion cannot be granted.

The Court FINDS and CONCLUDES that Defendant's response to the ex parte application for order allowing examination of judgment debtor are not valid. As noted above, Defendant's motion to alter or amend judgment cannot be granted. Although Defendant argues that Plaintiff is seeking a discovery against a third party, the Court cannot accept such representation. Defendant's "authorized and knowledgeable representative" cannot be deemed to be a third party. Lastly, although Defendant argues that there is no entry of judgment filed in this case, at a minimum, the Notice of Filing [of the] Application of Foreign Judgment and Declaration of Judgment Creditor's Counsel on February 10, 2021 met this requirement. Thus, Plaintiff's ex parte application should be granted.

The Court ORDERS that Defendant's Motion shall be DENIED. The Court shall GRANT Plaintiff's ex parte application for order allowing examination of judgment debtor.

Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Defendant's counsel is to review and countersign as to form and content. Counsel is directed to have the proposed Order submitted to chambers within 14 days consistent with the AO 21-04 and EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 08/17/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Foreign Judgment

COURT MINUTES

September 14, 2021

A-21-828836-F Frederic Goldman, Plaintiff(s)
vs. Orenthal Simpson, Defendant(s)

September 14, 2021 3:00 AM Minute Order

HEARD BY: Barisich, Veronica M.

COURTROOM: Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At the request of the court, the hearing on (1) Garnishee Nevada Property 1, LLC s Motion for Judgment Pursuant to NRS 31.330 and (2) Defendant s Joinder to the Motion for Judgment, presently set for a hearing on September 21, 2021 shall be CONTINUED to September 23, 2021 at 9:00 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 09/20/21



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

MALCOLM P. LAVERGNE, ESQ.
400 S. 4TH ST., SUITE 500
LAS VEGAS, NV 89101

DATE: December 6, 2021
CASE: A-21-828836-F

RE CASE: FREDERIC GOLDMAN, an individual, and as personal representative of the ESTATE OF RONALD LYLE GOLDMAN, deceased vs. ORENTHAL JAMES SIMPSON

NOTICE OF APPEAL FILED: December 20, 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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING ORENTHAL JAMES SIMPSON'S MOTION TO ALTER OR AMEND JUDGMENT AND ORDER GRANTING FREDRIC GOLDMAN'S EX PARTE APPLICATION FOR ORDER ALLOWING EXAMINATION OF JUDGMENT DEBTOR; NOTICE OF ENTRY OF ORDER DENYING AND GRANTING; ORDER DENYING ORENTHAL JAMES SIMPSON'S MOTION FOR RELIEF FROM JUDGMENT AND ORDER GRANTING FREDRIC GOLDMAN'S MOTION FOR JUDICIAL ASSIGNMENT OF ORENTHAL JAMES SIMPSON'S PERSONAL PROPERTY; NOTICE OF ENTRY OF ORDER DENYING AND GRANTING; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

FREDERIC GOLDMAN, an individual, and as personal representative of the ESTATE OF RONALD LYLE GOLDMAN, deceased,

Plaintiff(s),

vs.

ORENTHAL JAMES SIMPSON,

Defendant(s),

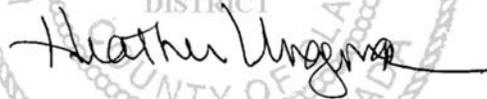
Case No: A-21-828836-F

Dept No: V

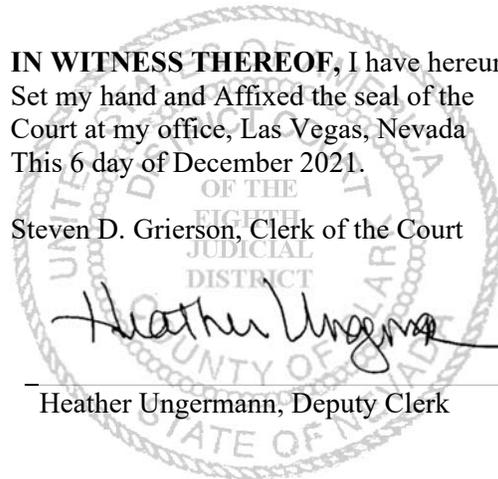
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 6 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 6, 2021

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

RE: FREDERIC GOLDMAN, an individual, and as personal representative of the ESTATE OF
RONALD LYLE GOLDMAN, deceased vs. ORENTAL JAMES SIMPSON
D.C. CASE: A-21-828836-F

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 6, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

September 28, 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