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2
3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

4
5 WILLY GOMEZ; EREZ BITTON;
6 AND OASIS MOVING AND
7 STORAGE, INC., D/B/A U TRUST
8 MOVING,

9 Appellants,

10 v.

11 GENARO GOMEZ SANTANA

12 Respondent.
13
14

Electronically Filed
Aug 26 2022 02:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No.: 83925

District Court Case No.: A821483

15 **PETITION FOR REHEARING**
16 **OF CHERYL H. WILSON, ESQ.**
17

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1 **DECLARATION OF ROBERT E. MURDOCK REGARDING**
2 **EXHIBITS**

3 ROBERT E. MURDOCK, declares and states:

4 1. That I am an attorney licensed to practice law in the State of Nevada
5 and have been since 1990.

6 2. That I am counsel for Attorney Cheryl Wilson, Esq.

7 3. That I drafted the instant Petition for Re-Hearing by Attorney
8 Cheryl Wilson, Esq.

9 4. That there is no record on appeal, so I have attached copies of the
10 relevant documents from the District Court docket as Exhibits herein.
11 However, I have only attached the caption and signatory page as that is
12 the relevant inquiry herein.

13 5. That the exhibits attached hereto are true and correct copies.

14 FURTHER AFFIANT SAYETH NAUGHT.

15 I declare under penalty of perjury under the law of the State of
16 Nevada that the foregoing is true and correct.

17 Executed on this 26th day of August 2022.

18 MURDOCK & ASSOCIATES, CHTD.

19 /s/ Robert E. Murdock

20 _____
21 Robert E. Murdock Bar No. 4013

1 **I. RULE UPON WHICH THIS PETITION IS BASED**

2 This matter concerns the sanction and referral to the State Bar of
3
4 counsel by the Supreme Court. The first issue concerns the Rule upon
5
6 which to challenge the Court's Order of August 11, 2022 regarding
7
8 sanctions and a referral to the State Bar. Though a Petition for Rehearing
9
10 via NRAP 40(b)(1) seems to be the correct Rule, it also is not a *perfect* fit
11
12 as NRAP 40 requires a Petitioner to argue misapprehension of facts or
13
14 misapplication of the law with citations to the record. See NRAP
15
16 40(c)(2)(A)-(B). Here, as argued herein, the Court simply was unaware of
17
18 certain facts because outside of the Notice of Appeal, nothing else was filed
19
20 in the appeal. In addition, there is no "record" on appeal to cite to. Instead,
21
22 the issue herein is seemingly one of a *mistake* by Tyson & Mendes as to
23
24 who was actually counsel in this matter (as explained herein). Yet, NRAP
25
26 40 has been used previously by this Court in somewhat similar
27
28 circumstances.

23 In *Pittman v. Lower Court Counseling*, 110 Nev. 359, 871 P.2d 953
24
25 (1994) (overruled on other grounds by *Nunez v. City of N. Las Vegas*, 116
26
27 Nev. 535, 536, 1 P.3d 959, 960 (2000)), this Court sanctioned Attorney Cal
28
Potter \$500 for failing to include any citations to the record in briefs. Mr.

1 Potter then filed a “Petition for Rehearing” arguing for reconsideration of
2 the sanctions because he allegedly didn’t write the brief in question.
3
4 *Pittman v. Lower Court Counseling, Div. of the City of Las Vegas Mun.*
5 *Court*, No. 23989, 1994 Nev. LEXIS 71 (May 27, 1994). Though the Court
6 denied the Petition in part, and granted it in part, the Court did not deny
7 the Petition on grounds that a Petition for Rehearing was an improper
8 vehicle upon which to “challenge” a Nevada Supreme Court order
9 sanctioning counsel. *Id.* Unfortunately, the Court did not comment on the
10 issue.
11
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14 In *Lioce v. Cohen*, 124 Nev. 1, 174 P.3d 970 (2008), the Court
15 reviewed a Petition for Rehearing (and granted same *in part*) regarding
16 various issues including sending the matter back to District Court to
17 calculate sanctions and the referral of counsel to the State Bar. Again, the
18 Court did not discuss the vehicle for Supreme Court attorney sanctions
19 relief but did not deny the Petition based upon misapplication of NRAP
20 40. Though the Petition was one for “en banc” review via NRAP 40(c), the
21 rationale allowing attorney sanctions to be reviewed (by the Panel or “en
22 banc”) would be the same. The Rehearing via NRAP 40 is the only vehicle
23 that would make sense.
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1 Finally, this Court has stated that the purpose of a rehearing is for
2 when the Court has overlooked or misapprehended a material matter, or
3 “when otherwise necessary to promote substantial justice.” *Gordon v.*
4 *District Court*, 114 Nev. 744, 745, 961 P.2d 142, 143 (1998). Here, it is
5 clearly necessary to promote substantial justice.
6

7
8 Therefore, this Petition is made pursuant to NRAP 40(b)(1)¹.
9

10 II. THE PETITION HAS BEEN TIMELY FILED

11 The Petition has been timely filed as it has been less than 18 days
12 after the filing of the Supreme Court’s decision. See NRAP 40(a)(1). The
13 Order was filed on August 11, 2022. Thus, the Petition is due by August
14 29, 2022. The instant Petition is being filed on August 26, 2022.
15 Therefore, it has been timely filed.
16
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22 ¹ However, Petitioner does recognize that NRAP 40(b)(1) does not *perfectly*
23 fit the instant challenge to the Court’s sanctions. It is clear that if a
24 *District Court* sanctions counsel, the proper method of challenging same
25 is via an extraordinary writ to the Supreme Court rather than an appeal
26 because counsel are not parties. See *Watson Rounds, P.C. v. Eighth*
27 *Judicial Dist. Court*, 131 Nev. 783, 786-87, 358 P.3d 228, 231 (2015). A
28 writ from an Order of the Supreme Court *to the Supreme Court* makes no
sense. It could be argued that the sanction and referral is a “judgment” at
least in a sense. However, there is no NRCP 60(b) equivalent in the NRAP.
NRAP 40, although not a *perfect* fit, is seemingly the proper method.

1 **III. LAW AND ARGUMENT**

2 Counsel Cheryl Wilson respectfully challenges the monetary
3
4 Sanctions Order and the State Bar Referral Order², as there appears to
5
6 have been an error at Tyson & Mendes as to her representation, or more
7 specifically, her *lack* of representation, of Appellant. Ms. Wilson was not
8 counsel for Appellant, never did any work for Appellant, and was unaware
9 that her name was associated with this case until August 11, 2022. The
10
11 sanctions and State Bar Referral Order should be reversed as to Ms.
12
13 Wilson.

14 A. Ms. Wilson Was Not Counsel For Appellant

15
16 Attached hereto as Exhibit One is the Declaration of Cheryl Wilson.
17
18 Within the Declaration, Ms. Wilson states that she never worked on this
19
20 case, she had no knowledge that her name was associated with this case,
21
22 and that she knew nothing about this case until August 11, 2022 (when a
23
24 friend saw the Order). Further, Ms. Wilson declares that though she was
25
26 an employee at Tyson & Mendes for a time, as of late January 2022, she
27
28 had resigned, and within a couple of days, her Tyson & Mendes email
access and case access had been removed by Tyson & Mendes. Hence, she

² See Exhibit Two.

1 never received any of the Orders sent out by this Court regarding the case.

2 See Exhibit One.

3
4 B. Court Filings Make Clear That Tyson & Mendes
5 Made A Mistake By Placing Her Name On The Matter

6 Ms. Wilson's argument is bolstered by a review of the underlying
7 docket. Attached hereto as Exhibit Three is a copy of the District Court
8 Docket Sheet (DCDKT078-091), along with the caption page and signatory
9 page on *each* defense filing (DCDKT001-076).³ The Answer was filed on
10 November 13, 2020. See Exhibit Three at DCDKT001-2. Ms. Wilson's
11 name is not on same. In fact, her name does not appear for the next ten
12 filings. See Exhibit Three DCDKT003 through DCDKT019. Then, out of
13 the blue, on August 10, 2021, her name appears on the caption and
14 signature block on a Motion to Compel and a Reply to same. See Exhibit
15 Three DCDKT020. However, *in a reversal*, her name only appears on the
16 caption, and not the signature block, of the Discovery Commissioner Order
17 and an Objection to same. Compare Exhibit Three DCDKT029 and
18 DCDKT031 and also, Compare Exhibit Three DCDKT032 and
19 DCDKT033.
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28 ³ Petitioner has not attached the entire filed documents because the only relevant portion is the caption and signatory pages.

1 Yet, candidly, the Notice of Appeal⁴ does contain Ms. Wilson's name
2 on the caption and signature block. See Exhibit Three DCDKT037-038.
3
4 But then, Ms. Wilson's name does not appear on the Requests for
5 Transcripts. See Exhibit Three DCDKT050-051.
6

7 C. The Case Appeal Statement Does Not Mention Ms. Wilson

8 Perhaps most important, **Ms. Wilson's name is nowhere to be**
9
10 **found on the Case Appeal Statement filed by Tyson & Mendes**
11 **(albeit not in the Supreme Court⁵):**
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20 ⁴ Ms. Wilson has no idea why a Notice of Appeal would be filed regarding
21 an alleged discovery issue. Certainly, a review of the record demonstrates
22 that there was neither a Final Judgment nor a NRCP 54(b) Order. Hence,
23 had Mr. Christian or Mr. McGrath actually filed a Case Appeal Statement
24 within this Court, the jurisdictional issue would have been identified and
the matter presumably dismissed.

25 ⁵ Now, for some reason that only Mr. McGrath or Mr. Christian can
26 answer, the Case Appeal Statement filed in the District Court was not
27 filed with the Notice of Appeal (required via NRAP 3(f)(1)) or even later as
28 Ordered (twice) by this Court. Curiously, on December 16, 2021, this Court
ordered the Case Appeal Statement to be filed with the Supreme Court.
Instead, it was filed by Mr. McGrath and/or Mr. Christian in the District
Court only on December 28, 2021.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Hon. Kierny, Carli

3. Identify each appellant and the name and address of counsel for each appellant:

Appellants: Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

Appellant's Counsel:

THOMAS E. MCGRATH

RUSSELL D. CHRISTIAN

TYSON & MENDES LLP

170 South Green Valley Parkway, Suite 300

Henderson, Nevada 89012

Tel: (702) 724-2648

See Exhibit Three DCDKT045-049.

Form 2 of the Nevada Appellate Practice Forms is the Case Appeal Statement. The Case Appeal Statement is used to outline basic information about the matter for the Court. The form specifically mandates that each Appellant and their counsel be identified. **Ms. Wilson was not identified therein.** Id. The reason she was not identified, as she declares, she was not involved in this matter. See Exhibit One.

The importance of the Case Appeal Statement to this Court is obvious. In *1916 Highland Props. v. State DOT*, 449 P.3d 471 (Nev. 2019), the Court had before it a Notice of Appeal filed by Attorney Amy Sugden but a Case Appeal Statement identifying Ms. Sugden and adding Attorney Brian Padgett. Because of such, this Court stated that both were counsel

1 of record. Here, of course, though Ms. Wilson's name does appear on the
2 Notice of Appeal, it is nowhere to be found on the Case Appeal Statement.
3
4 Thus, it is apparent that Ms. Wilson's name on the Notice of Appeal was
5 an error.
6

7 Similarly, in *Stubbs v. Las Vegas Metro. Police Dep't*, 134 Nev. 1017,
8 426 P.3d 29 (2018), the Notice of Appeal was filed by Attorney Jared
9 Richards. Yet, in the Case Appeal Statement, the Appellant notified the
10 Court that he was appearing pro se. Using the Case Appeal Statement,
11 the Court removed Mr. Anderson as counsel of record. Hence, the Case
12 Appeal Statement is significant in its importance in identifying the proper
13 parties and counsel.
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16

17 Ms. Wilson's name is not on the Case Appeal Statement anywhere.
18
19 It is not on the caption, it is not on the signature block, and she is not
20 identified within the document as counsel for Appellant. See Exhibit
21 Three DCDKT045-049. That is the most telling piece of evidence that Ms.
22 Wilson was not counsel on this case.
23
24

25 D. As To Ms. Wilson, The Sanctions and Bar Referral Should Be
26 Withdrawn

27 Ms. Wilson is not arguing that this Court does not have the power to
28 sanction counsel. Moreover, Ms. Wilson has no argument that, *as to Mr.*

1 *McGrath and/or Mr. Christian*, the sanctions do not “fit the crime” or
2 something similar. Finally, Ms. Wilson has no argument that the Court
3 did not have her name before it on the Notice of Appeal. Yet, the fact does
4 remain that Ms. Wilson had nothing to do with this case and had no
5 knowledge of this case at all until after the sanctions order.
6

7
8 Since she was not counsel for Appellant, and it is quite obvious that
9 there was simply a clerical error⁶ at Tyson & Mendes as to Ms. Wilson’s
10 involvement, any sanction as to her should be withdrawn. When Ms.
11 Wilson resigned from Tyson & Mendes, she specifically asked about filing
12 substitutions or withdrawals of counsel on her cases but was told by Tyson
13 & Mendes that they would “take care of it”. See Exhibit One. Ms. Wilson
14 had no reason to assume Tyson & Mendes would not do so. Unfortunately,
15 as is now clear, Tyson & Mendes did not do so. Had it done so, there is no
16 reason to believe Ms. Wilson would still be counsel here. Yet, Tyson &
17 Mendes did remove her access to her email such that this Court’s
18 Conditional Sanctions Order dated May 13, 2022 was not received by her.
19 Id. Had it been so received Ms. Wilson would have taken immediate steps
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27 ⁶ To be clear, the phrase “clerical error” is not meant to minimize the error
28 of Tyson & Mendes nor to minimize the reputational harm Ms. Wilson has
suffered and continues to suffer as a result of same.

1 to make sure her name was removed from this case. Id. (Curiously, on
2 February 16, 2022 and February 18, 2022, Tyson & Mendes had been
3 substituted out as counsel for Defendants and, on April 12, 2022, the
4 entire matter was dismissed in the District Court.⁷ See Exhibit Three at
5 DCDKT089-090. Apparently, no one bothered to notify this Court—which
6 also would have resolved this issue.)
7
8

9 10 IV. CONCLUSION

11 Ms. Wilson respectfully requests that the Nevada Supreme Court
12 reverse the sanctions and Bar Referral Order as to her. Ms. Wilson was
13 not counsel for Appellant. Tyson & Mendes knew that but mistakenly
14 advised the Court (via the caption and signature block on the Notice of
15 Appeal) that she was. The Case Appeal Statement mistakenly filed in
16 District Court by Tyson & Mendes makes clear that Ms. Wilson was not
17
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19 ...
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21 ...
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26 ⁷ Whether the dismissal by the District Court was actually jurisdictionally
27 proper due to the matter being in the Supreme Court and the District
28 Court being divested of jurisdiction, is not part of this Petition. That said,
it does demonstrate the last of a host of errors by counsel within the entire
case.

1 part of this case. Substantial justice requires that the sanctions and State
2 Bar referral Order as to Ms. Wilson be withdrawn.
3

4 DATED this 26th day of August 2022.

5 **MURDOCK & ASSOCIATES, CHTD.**
6

7 /s/ Robert E. Murdock

8 Robert E. Murdock Bar No. 4013

9 Sydney E. Murdock Bar No. 15291

10 521 South Third Street

11 Las Vegas, NV 89101

12 *Attorneys for Cheryl H. Wilson*
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1 the event that this motion is not in conformity with the requirements of
2 the Nevada Rules of Appellate Procedure.
3

4 Dated this 26th day of August, 2022
5

6 **MURDOCK & ASSOCIATES, CHTD.**

7 /s/ Robert E. Murdock

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12 Attorneys for Cheryl H. Wilson Esq.
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EXHIBIT “1”

EXHIBIT “1”

1 IN THE SUPREME COURT OF THE STATE OF NEVADA
2

3 WILLY GOMEZ; EREZ BITTON;
4 AND OASIS MOVING AND
5 STORAGE, INC. D/B/A U TRUST
6 MOVING,

7 Appellants,

8 vs.

9 GENARO GOMEZ SANTANA,

10 Respondent.
11

Supreme Court Case No. 83925

District Court Case No.: A821483

12
13 **DECLARATION OF CHERYL H. WILSON, ESQ.**
14

15 CHERYL H. WILSON, hereby declares and states as follows:

16 1. I am an attorney licensed in the State of Nevada since 2002. I have had no
17 disciplinary actions by the Bar. Until now, I have not been personally sanctioned
18 by any Court and I have never been referred to the Bar by any Court.
19

20 2. From February 2019 to February 2022, I was employed as an attorney with
21 Tyson & Mendes, LLC, located in Las Vegas, Nevada. My main practice was
22 insurance defense.
23

24 3. When I gave my notice of my resignation in late January of 2022 to Tyson
25 & Mendes, I told the Human Resources person that I needed to draft substitutions
26 of counsel and/or withdrawals on all of my cases. I was assured by Tyson &
27 Mendes Human Resources that they would “take care of it”. I assumed they would
28

1 since I had no reason to believe otherwise as Tyson & Mendes is a large law firm
2 and certainly, I was not the first attorney to leave.
3

4 4. When I resigned, Tyson & Mendes immediately removed my Tyson &
5 Mendes email and case access on (I believe) February 2, 2022. Hence, any email
6 that went to same after that date was never seen by me.
7

8 5. That in early February of 2022, I started at my new law firm, Ivie McNeil
9 Wyatt Purcell & Diggs. I immediately updated my information with the State Bar
10 of Nevada. I then opened an account with the Eighth Judicial District, Las Vegas
11 Justice Court and PACER (for Federal Court). I did not contact the Supreme Court
12 as I had no cases pending within the Court—*or so I thought*.
13
14

15 6. Over the last months, I never heard anything from Tyson & Mendes about
16 issues with this case or any other. I certainly would not have expected anything on
17 this case since it was not my case, I knew nothing about it, and, Tyson & Mendes
18 had told me they would take care of substituting me out of cases.
19
20

21 7. However, on August 11, 2022, Alan Westbrook, Esq., (my employer before
22 I worked at Tyson & Mendes and a friend of mine), texted me on my cell phone
23 and told me he saw that I had been sanctioned by the Nevada Supreme Court. He
24 texted me an image of the Order. To say the least, I was shocked. I was also quite
25 upset. I looked at the case name and I did not recall ever working on the matter.
26
27

28 8. Immediately after receiving the text, I went to the Nevada Supreme Court
docket and located the case and the order which, in fact, sanctioned me and referred

1 me to the State Bar of Nevada for discipline due to “dilatory” behavior due to
2 failure to respond to a March 2022 Notice and a May 2022 Notice to cure a defect
3 in the appeal filed by the law firm.
4

5 9. I sent a text message to Russell Christian, Esq., who was the attorney of
6 record, along with Tom McGrath, Esq., for the case. Tom responded he was on
7 his way to Court for jury instructions and Russel Christian was in Hawaii and did
8 not know about the matter but would see that someone addressed it. Oddly, Tom
9 also stated “We [meaning Tyson & Mendes I believe] are not counsel of record on
10 the appeal...”.
11
12

13 10. I sent an email message to Tyson & Mendes attorneys on the file and asked
14 them what happened since I had nothing to do with the case and should not have
15 been involved. I did not receive an explanation. Yet, to this day, no one at Tyson
16 & Mendes has disputed that this was not my case and that I did no work on it. Even
17 if I had, Tyson & Mendes had assured me that they would take care of substituting
18 me out of all of my Tyson & Mendes cases.
19
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21

22 11. Despite that, I received an email from Tyson & Mendes stating it would pay
23 the \$250 sanction and provided a letter which confirmed my last day of
24 employment but they would do nothing more about the situation or the reputational
25 sanctions. Regarding the monetary sanction, rather than rely on Tyson & Mendes
26 again, I decided to simply pay the sanction myself and did so. On the check, I wrote
27
28

1 “paid without prejudice” because it was my intention to try and get the sanction
2 reversed.

3
4 12. On Friday, August 12, 2022, I retained counsel to, *among other things*, ask
5 the Nevada Supreme Court to amend its order and to vacate the sanctions imposed
6 against me. While I have no problem owning up to mistakes or errors that I have
7 made, I should not be made to wear a reputational sanction (and pay a monetary
8 sanction) for something that was not of my doing and I had no knowledge of.
9

10
11 13. To be crystal clear, I believe that there was some sort of clerical error at
12 Tyson & Mendes when my name was inadvertently placed on the caption and left
13 on when I left the law firm. While at Tyson & Mendes, there was an issue with
14 staff merely copying and pasting things without thinking or review. The issue was
15 brought up constantly at firm meetings. Based upon the underlying docket, the
16 Notice of Appeal and the Case Appeal Statement, this is what I think happened
17 here. The Case Appeal Statement has my name nowhere on it and it is correct.
18

19
20 14. I do not know why Mr. Christian or Mr. McGrath would not respond to the
21 Orders of any Court, let alone the Nevada Supreme Court. Moreover, I do not
22 know why neither of them let the Nevada Supreme Court know that my name
23 should not have been on this matter.
24

25
26 15. Since my Tyson & Mendes email was removed upon my resignation, I
27 would not have received the Orders from the Nevada Supreme Court about
28 sanctions or Bar referral. Had I received an Order of “Conditional Sanctions” I

1 would have immediately called Mr. McGrath or Mr. Christian to find out what was
2 going on and taken steps to clear my name of this matter. I would also have
3 immediately taken steps to withdraw my name from this case since Tyson &
4 Mendes obviously did not. However, I didn't receive any notice as I had no access
5 to my Tyson & Mendes email.
6
7

8 16. I am requesting that the Nevada Supreme Court reverse the sanctions and
9 the referral to the Bar as to me.
10

11 DATED this 26th day of August, 2022.

12 
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14 _____
15 CHERYL WILSON, ESQ.
16 Nevada Bar No. 8312
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EXHIBIT “2”

EXHIBIT “2”

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLY GOMEZ; EREZ BITTON; AND
OASIS MOVING AND STORAGE, INC.,
D/B/A U TRUST MOVING,

Appellants,

vs.

GENARO GOMEZ SANTANA,
Respondent.

No. 83925

FILED

AUG 11 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yama
DEPUTY CLERK

*ORDER DISMISSING APPEAL AND REFERRING COUNSEL TO THE
STATE BAR OF NEVADA*

This is an appeal from an order affirming the discovery commissioner's report and recommendations. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

On May 13, 2022, this court entered an order conditionally imposing sanctions against attorneys Russell D. Chastain, Thomas E. McGrath, and Cheryl H. Wilson, counsel for appellant, for their failure to file the case appeal statement, the transcript request form, the docketing statement, and the opening brief and appendix within the time frames set by this court. This court directed Mr. Chastain, Mr. McGrath, and Ms. Wilson each to pay the \$250 conditional sanction within 14 days and informed them that the sanctions would be automatically vacated if they filed the missing documents by May 27, 2022. Counsel were cautioned that failure to comply with this court's order or any other filing deadlines could result in the dismissal of this appeal and in counsel's referral to the State Bar for investigation pursuant to SCR 104-105 for violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct).

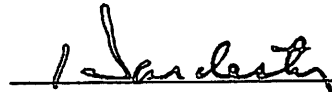
To date, none of the documents have been filed, and counsel has not otherwise communicated with this court. We have repeatedly stated that we expect all appeals to be “pursued in a manner meeting high standards of diligence, professionalism, and competence.” *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233, 235 (1987); *accord Polk v. State*, 126 Nev. 180, 184, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp’t Sec. Dep’t v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318, 1319 (1984). It is incumbent upon Mr. Chastain, Mr. McGrath, and Ms. Wilson, as part of their professional obligations of competence and diligence to their clients, to know and comply with all applicable court rules. See RPC 1.1; RPC 1.3. These rules have been implemented to promote cost-effective, timely access to the courts; it is “imperative” that they follow these rules and timely comply with our directives. *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011). Mr. Chastain, Mr. McGrath, and Ms. Wilson are “not at liberty to disobey notices, orders, or any other directives issued by this court.” *Id.* at 261 P.3d at 1085. Accordingly, we dismiss this appeal. NRAP 31(d).


Because it appears that Mr. Chastain, Mr. McGrath, and Ms. Wilson’s conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), we refer them to the State Bar of Nevada for investigation pursuant to SCR 104-105. Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in this matter.


Finally, the \$250 sanction imposed in our previous order is no longer conditional and must be paid. Mr. Chastain, Mr. McGrath, and Ms. Wilson shall each have 7 days from the date of this order to pay \$250 to the

Supreme Court Law Library and provide the clerk of this court with proof of such payment.

It is so ORDERED.

, J.
Hardesty

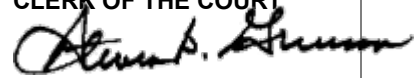
, J.
Stiglich

, J.
Herndon

cc: Hon. Carli Lynn Kierny, District Judge
Tyson & Mendes LLP
Russell D. Chastain
Thomas E. McGrath
Cheryl H. Wilson
De Castroverde Law Group
Supreme Court Law Librarian
Bar Counsel, State Bar of Nevada
Eighth District Court Clerk

EXHIBIT “3”

EXHIBIT “3”



1 **ANSC**
2 **TYSON & MENDES LLP**
3 THOMAS E. MCGRATH
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Fax: (702) 938-1048
Attorneys for Defendants Oasis Moving & Storage, Inc. and Willie Gomez

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 GENARO GOMEZ SANTANA,
11 Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

12 vs.

**DEFENDANTS OASIS MOVING &
STORAGE, INC. AND WILLIE GOMEZ'S
ANSWER TO PLAINTIFF'S
COMPLAINT**

13 WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
14 CORPORATIONS I-X, inclusive,

15 Defendants.

16
17 Defendants, Oasis Moving & Storage, Inc. and Willie Gomez ("these answering
18 Defendants"), by and through counsel, the firm Tyson & Mendes LLP, hereby Answer the
19 Complaint of Genaro Gomez Santana ("Plaintiff") as follows:

20 **JURISDICTION**

- 21 1. Answering Paragraph One of Plaintiffs' Complaint, these answering Defendants assert
22 that said paragraphs contain and/or constitute legal conclusions, to which no response
23 is required. To the extent said paragraph is determined to contain factual allegations,
24 these answering Defendants assert they are without sufficient information to form a
25 belief as to the truth or falsity of any factual allegations contained therein and
26 therefore, on that basis they deny the same.

27 ///

28

Affirmative Defense Eleven: *Attorney's Fees and Costs.* This answering Defendant has employed the services of an attorney to defend this action and a reasonable sum should be allowed for their attorney's fees and costs incurred in defending this action.

Affirmative Defense Twelve: *Additional Affirmative Defenses.* This answering Defendant hereby incorporate by reference all applicable affirmative defenses set forth in Nevada Rules of Civil Procedure 8 and 12(b).

Affirmative Defense Thirteen: *Additional Affirmative Defenses.* Pursuant to Nevada Rule of Civil Procedure 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answering Defendant's Answer and therefore, this answering Defendant has the right to amend this answer to allege additional affirmative defenses as subsequent investigation warrants.

CONCLUSION

WHEREFORE, these answering Defendants, prays as follows:

1. That Plaintiff takes nothing by way of his Complaint;
2. For attorney's fees and costs as allowed by law;
3. For such other and further relief as may be deemed just and proper by the Court.

DATED this 13th day of November 2020.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

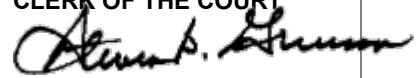
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Attorneys for Defendants Oasis Moving & Storage, Inc. and Willie Gomez



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12 Fax: (702) 938-1048
13 Attorneys for Defendants Oasis Moving & Storage, Inc. and Willie Gomez

8
9
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 GENARO GOMEZ SANTANA,
13 Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

14 vs.

**DEFENDANTS OASIS MOVING &
STORAGE, INC. AND WILLIE GOMEZ'S
INITIAL APPEARANCE FEE
DISCLOSURE**

15 WILLY GOMEZ; EREZ BITTON; OASIS
16 MOVING & STORAGE, INC. d/b/a U TRUST
17 MOVING; DOES I-X, inclusive, and ROE
18 CORPORATIONS I-X, inclusive,
19 Defendants.

20 Defendants Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are
21 submitted for parties appearing in the above-entitled action ad indicated below:

22 **OASIS MOVING & STORAGE, INC. \$223.00**

23 **WILLIE GOMEZ \$30.00**

24 **TOTAL REMITTED: \$253.00**

25 ///

26 ///

27 ///

28 ///

///

///

1 DATED this 13th day of November 2020.

2 TYSON & MENDES LLP

3 /s/ Russell Christian

4 THOMAS E. MCGRATH

5 Nevada Bar No. 7086

6 RUSSELL D. CHRISTIAN

7 Nevada Bar No. 11785

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9 Las Vegas, Nevada 89169

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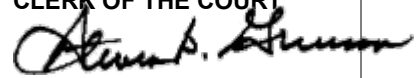
12 *Attorneys for Defendants Oasis Moving & Storage,*
13 *Inc. and Willie Gomez*

14 **CERTIFICATE OF SERVICE**

15 The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 13th
16 day of November 2020, a copy of **DEFENDANTS OASIS MOVING & STORAGE, INC.**
17 **AND WILLIE GOMEZ'S INITIAL APPEARANCE FEE DISCLOSURE**, was served by
18 electronic service in accordance with Administrative Order 14.2, to all interested parties, through
19 the Court's **ODYSSEY eFileNV** system.

20 /s/ Mickaila Nilsson

21 An employee of Tyson & Mendes LLP



DMJT
TYSON & MENDES LLP
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Fax: (702) 938-1048
Attorneys for Defendants Oasis Moving & Storage, Inc. and Willie Gomez
DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,
Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

vs.

**DEFENDANTS OASIS MOVING &
STORAGE, INC. AND WILLIE GOMEZ'S
DEMAND FOR JURY TRIAL**

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

COMES NOW Defendants OASIS MOVING & STORAGE, INC. AND WILLIE
GOMEZ, by and through their counsel, the law firm Tyson & Mendes LLP, and hereby demands
that the trial of the above-entitled action be heard before a jury.

DATED this 13th day of November 2020.

TYSON & MENDES LLP

/s/ Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

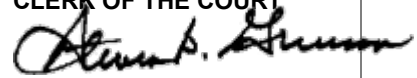
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*Attorneys for Defendants Oasis Moving & Storage,
Inc. and Willie Gomez*



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12 Fax: (702) 938-1048
13 *Attorneys for Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 GENARO GOMEZ SANTANA,
11 Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

12 vs.

**DEFENDANTS' FIRST AMENDED
ANSWER TO PLAINTIFF'S
COMPLAINT**

13 WILLY GOMEZ; EREZ BITTON; OASIS
14 MOVING & STORAGE, INC. d/b/a U TRUST
15 MOVING; DOES I-X, inclusive, and ROE
16 CORPORATIONS I-X, inclusive,

Defendants.

17 Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc. ("these answering
18 Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, hereby Answer the
19 Complaint of Genaro Gomez Santana ("Plaintiff") as follows:

20 **JURISDICTION**

- 21 1. Answering Paragraph One of Plaintiffs' Complaint, these answering Defendants assert
22 that said paragraphs contain and/or constitute legal conclusions, to which no response is
23 required. To the extent said paragraph is determined to contain factual allegations, these
24 answering Defendants assert they are without sufficient information to form a belief as
25 to the truth or falsity of any factual allegations contained therein and therefore, on that
26 basis they deny the same.

27 ///

28

Affirmative Defense Eleven: *Attorney's Fees and Costs.* This answering Defendant has employed the services of an attorney to defend this action and a reasonable sum should be allowed for their attorney's fees and costs incurred in defending this action.

Affirmative Defense Twelve: *Additional Affirmative Defenses.* This answering Defendant hereby incorporate by reference all applicable affirmative defenses set forth in Nevada Rules of Civil Procedure 8 and 12(b).

Affirmative Defense Thirteen: *Additional Affirmative Defenses.* Pursuant to Nevada Rule of Civil Procedure 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answering Defendant's Answer and therefore, this answering Defendant has the right to amend this answer to allege additional affirmative defenses as subsequent investigation warrants.

CONCLUSION

WHEREFORE, these answering Defendants, prays as follows:

1. That Plaintiff takes nothing by way of his Complaint;
2. For attorney's fees and costs as allowed by law;
3. For such other and further relief as may be deemed just and proper by the Court.

DATED this 20th day of November 2020.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

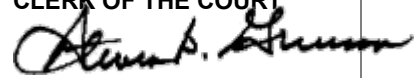
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Attorneys for Defendants



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11 Tel: (702) 724-2648
12 Fax: (702) 938-1048
13 *Attorneys for Defendants*

DISTRICT COURT

CLARK COUNTY, NEVADA

14 GENARO GOMEZ SANTANA,
15 Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

16 vs.

**DEFENDANT EREZ BITTON'S INITIAL
APPEARANCE FEE DISCLOSURE**

17 WILLY GOMEZ; EREZ BITTON; OASIS
18 MOVING & STORAGE, INC. d/b/a U TRUST
19 MOVING; DOES I-X, inclusive, and ROE
20 CORPORATIONS I-X, inclusive,

Defendants.

21 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for
22 Defendant EREZ BITTON appearing in the above-entitled action ad indicated below:

23 **EREZ BITTON** **\$223.00**

24 **TOTAL REMITTED:** **\$223.00**

25 DATED this 20th day of November 2020.

26 TYSON & MENDES LLP



27 THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

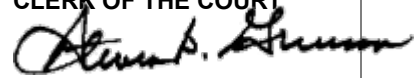
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Tel: (702) 724-2648

Fax: (702) 938-1048

Attorneys for Defendants



1 **NOTC**
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4 Nevada Bar No. 7086
5 Email: tmcgrath@tysonmendes.com
6 **RUSSELL D. CHRISTIAN**
7 Nevada Bar No. 11785
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9 170 South Green Valley Parkway, Suite 300
10 Henderson, Nevada 89012
11 Tel: (702) 724-2648
12 Fax: (702) 938-1048
13 *Attorneys for Defendants Willy Gomez, Erez Bitton and Oasis Moving & Storage, Inc.*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 GENARO GOMEZ SANTANA,
11 Plaintiff,

Case No. A-20-821483-C
Dept. No. 32

12 vs.

NOTICE OF CHANGE OF ADDRESS

13 WILLY GOMEZ; EREZ BITTON; OASIS
14 MOVING & STORAGE, INC. d/b/a U TRUST
15 MOVING; DOES I-X, inclusive, and ROE
16 CORPORATIONS I-X, inclusive,

Defendants.

17 PLEASE TAKE NOTICE that effective **January 18, 2021**, the offices of Tyson & Mendes
18 LLP will be moving to the following address:

19 **Tyson & Mendes LLP**

20 **170 South Green Valley Parkway, Suite 300**

21 **Henderson, Nevada 89012**

22 The primary telephone number, facsimile number, and email addresses will remain the
23 same. Please revise your service lists accordingly.

24 DATED this 22nd day of January 2021.

25 TYSON & MENDES LLP

26 

27 THOMAS E. MCGRATH
28 Nevada Bar No. 7086
RUSSELL D. CHRISTIAN

Nevada Bar No. 11785
170 South Green Valley Parkway, Suite 300
Henderson, Nevada 89012
Tel: (702) 724-2648
Fax: (702) 938-1048
Attorneys for Defendants

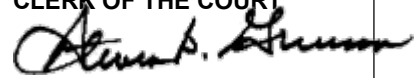
CERTIFICATE OF SERVICE

The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 22nd day of January 2021, a copy of **NOTICE OF CHANGE OF ADDRESS**, was served by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **ODYSSEY eFileNV** system.

/s/ Mickaila Nilsson
An employee of Tyson & Mendes LLP



3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169



JCCR

Alex J. De Castroverde
Nevada Bar No. 6950
Orlando De Castroverde
Nevada Bar No. 7320
Michael Matzke
Nevada Bar No. 14583
De CASTROVERDE LAW GROUP
1149 South Maryland Parkway
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Email: Michael@decastroverdelaw.com
Attorneys for Plaintiff Genaro Gomez Santana

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiffs,

v.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: A-20-821483-C

DEPT NO.: 32

JOINT CASE CONFERENCE REPORT

**DISPUTE RESOLUTION
CONFERENCE REQUIRED**

YES ____ NO X

SETTLEMENT CONFERENCE REQUESTED

YES ____ NO X

VIII.

INITIAL DISCLOSURES/OBJECTIONS

If a party objects during the Early Case Conference that initial disclosures are not appropriate in the circumstances of this case, those objections must be stated herein. The Court shall determine what disclosures, if any, are to be made and shall set the time for such disclosure. This report is signed in accordance with Rule 26(g) (1) of the Nevada Rules of Civil Procedure. Each signature constitutes a certification that to the best of the signer's knowledge, information and belief, formed after a reasonable inquiry, the disclosures made by the signer are complete and correct as of this time.

Dated this 4th day of February, 2021

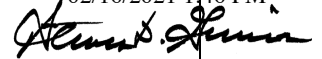
Dated this 8th day of February, 2021

DE CASTROVERDE LAW GROUP

TYSON & MENDES LLP

/s/ Michael Matzke
Michael Matzke
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1149 South Maryland Parkway
Las Vegas, Nevada 89104
Attorneys for Plaintiff Genaro Gomez Santana

/s/Russell D. Christian
Thomas E. Mcgrath
Nevada Bar No. 7086
Russell D. Christian
Nevada Bar No. 11785
3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
*Attorneys For Defendants Willy Gomez;
Erez Bitton; Oasis Moving & Storage*



CLERK OF THE COURT

SCHTO

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,
Plaintiff(s)

CASE NO: A-20-821483-C
DEPT. 2

vs.

WILLY GOMEZ, et al.,
Defendant(s)

SCHEDULING ORDER AND
ORDER SETTING CIVIL JURY TRIAL

IT IS HEREBY ORDERED:

1. All parties shall complete discovery on or before **January 2, 2022.**

2. All parties shall make initial expert disclosures pursuant to N.R.C.P.

16.1(a)(2) on or before **October 8, 2021.**

3 All parties shall make rebuttal expert disclosures pursuant to N.R.C.P.

16.1(a)(2) on or before **November 8, 2021.**

4. All parties shall file motions to amend pleadings or add parties on or
before **October 8, 2021.**

5. All parties shall file dispositive motions on or before **February 7, 2022.**

Certain dates may have been changed to bring all deadlines into compliance with
N.R.C.P. 16.1.

Unless otherwise directed by the court, all pretrial disclosures pursuant to
N.R.C.P. 16.1(a) (3) must be made at least 30 days before trial.

Motions for extensions of discovery shall be made in strict accordance with
E.D.C.R. 2.35. The deadline for responding to discovery requests must fall on or before
the date discovery closes. A deposition must be completed on or before the date

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Genaro Gomez Santana,
Plaintiff(s)

CASE NO: A-20-821483-C

7 vs.

DEPT. NO. Department 2

8
9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Scheduling and Trial 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:

14 Service Date: 2/16/2021

15 Kimberly Valentin kimberly@decastroverdelaw.com

16 Stefania Ross SRoss@TysonMendes.com

17 Thomas McGrath tmcgrath@tysonmendes.com

18 Filing Assistant efiling@decastroverdelaw.com

19 Michael Matzke Michael@decastroverdelaw.com

20 Tyson & Mendes tysonmendesLV@outlook.com

21 Mariela Ramos Mariela@decastroverdelaw.com

22 Mickaila Nilsson MNilsson@Tysonmendes.com

23 Shantei O'Dell SODell@TysonMendes.com

24 Russell Christian rchristian@tysonmendes.com

1 **MRSC**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 GENARO GOMEZ SANTANA.,

7 Plaintiff(s),

8 v.

CASE NO. A-20-821483-C

DEPT NO. II

9
10 WILLY GOMEZ, et al.,

11 Defendant(s).

12
13
14 **MANDATORY RULE 16 PRE-TRIAL CONFERENCE ORDER**

15 This ORDER ("Order") is entered pursuant to N.R.C.P. 16 (a)(1-5). This Order may
16 be amended or modified by the Court upon good cause shown, and is made subject to any
17 Orders that have been previously entered. After the conclusion of the Pre-Trial Scheduling
18 Conference, a Scheduling Order and Order Setting Civil Jury/Non-Jury Trial Order will
19 issue from Department II pursuant to N.R.C.P. 16(b).

20 **IT IS HEREBY ORDERED:**

21 **A.** A mandatory Rule 16 Pre-Trial Scheduling Conference, with the Court and
22 counsel/parties in proper person, will be held on **WEDNESDAY, April 7, 2021 at 9:30 a.m.**
23 in Department II, **Courtroom 16B**, located in the Regional Justice Center, 200 Lewis Ave.,
24 Las Vegas, NV 89155.

25 **B.** At least 10 days prior to the Rule 16 Pre-Trial Scheduling Conference, the
26 served parties are ORDERED to ensure that they have timely provided **all** applicable items
27 required pursuant to N.R.C.P. 16.1(a). **This provision does not implicitly or explicitly**
28 **extend the time for disclosure and ensures that the Conference is not delayed due to**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Genaro Gomez Santana,
7 Plaintiff(s)

CASE NO: A-20-821483-C

8 vs.

DEPT. NO. Department 2

9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Mandatory Rule 16 Conference Order was served via the court's
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as
15 listed below:

Service Date: 2/22/2021

16 Kimberly Valentin kimberly@decastroverdelaw.com

17 Stefania Ross SRoss@TysonMendes.com

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Heather S. Smith

CLERK OF THE COURT

ARJT

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U
TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO: A-20-821483-C

DEPT. 2

**AMENDED SCHEDULING ORDER AND
ORDER SETTING CIVIL JURY TRIAL**

IT IS HEREBY ORDERED:

1. All parties shall complete discovery on or before October 3, 2022.
 2. All parties shall file motions to amend pleadings or add parties on or before July 5, 2022.
 3. All parties shall make initial expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before July 5, 2022.
 4. All parties shall make rebuttal expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before August 4, 2022.
 5. All parties shall file dispositive motions on or before November 2, 2022.
- Certain dates may have been changed to bring all deadlines into compliance with N.R.C.P. 16.1.

Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P. 16.1(a) (3) must be made at least 30 days before trial.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Genaro Gomez Santana,
7 Plaintiff(s)

CASE NO: A-20-821483-C

8 vs.

DEPT. NO. Department 2

9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 1/20/2022

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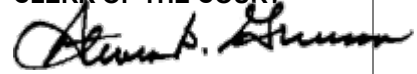
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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. 2

**HEARING REQUESTED BEFORE THE
DISCOVERY COMMISSIONER**

Date of Hearing:
Time of Hearing:

**MOTION TO COMPEL NRCP 35 NEUROPSYCHOLOGICAL EXAMINATION
AND TO PRECLUDE OBSERVER AT EXAM PURSUANT TO NRCP 35 (4)(A)(i)**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.
("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file
this MOTION TO COMPEL RULE 35 NEUROPSYCHOLOGICAL EXAMINATION AND
TO PRECLUDE OBSERVER AT EXAM PURSUANT TO NRCP 35 (4)(A)(i).

///

///

///

This Motion is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 10th day of August, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DECLARATION OF RUSSELL D. CHRISTIAN, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

RUSSELL D. CHRISTIAN, ESQ., being first duly sworn, under oath deposes and states:

1. I am an attorney duly licensed to practice law in the State of Nevada and I am counsel for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc., in connection with the above-captioned matter. I have personal knowledge of the following facts and if called upon could competently testify to such facts.

2. This action arises out of a one-vehicle motor vehicle accident that occurred on November 14, 2019. Plaintiff Genaro Gomez Santana was a passenger in a commercial diesel truck driven by his nephew, Defendant Willy Gomez. According to Plaintiff's Complaint Mr. Gomez was traveling Southbound on US 93 in the area of milepost 53 in Golden Valley,

Referring again to the *Fretchuco* case, the Ninth Circuit wrote the following:

As stated in *Flack*:

Courts are often reluctant to permit a third party or recording device out of concern that the intrusion would (1) potentially invalidate the examination results; (2) fail to provide a level playing field[] as plaintiff was not required to tape record his examinations with his own health care providers; and (3) inject a greater degree of the adversary process into an evaluation that is to be neutral.

(See *Fretchuco*, supra., at *13, emphasis added.)

Based on the foregoing, Defendants cannot agree to provide Plaintiff's counsel with a recording of the neuropsychological testing absent a showing of good cause.

IV.

CONCLUSION

NRCP 35 (4)(A)(i) explicitly prohibits an observer at a neuropsychological, psychological, or psychiatric examination. The rule 35 examination in the present matter that the parties are trying to set is the type of examination for which NRCP 35 (4)(A)(i) prohibits an observer. For this reason and the reasons set forth above Defendants Motion should be granted and an observer should not be allowed to be present at the Rule 35 examination of Plaintiff.

DATED this 10th day of August, 2021.

TYSON & MENDES LLP



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Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

Nevada Bar No. 8312

RUSSELL D. CHRISTIAN

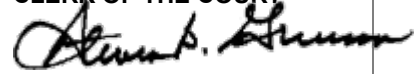
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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. 2

**HEARING REQUESTED BEFORE THE
DISCOVERY COMMISSIONER**

Date of Hearing: 09/14/21
Time of Hearing: 9:30 am

**REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO COMPEL NRCP 35
NEUROPSYCHOLOGICAL EXAMINATION AND TO PRECLUDE OBSERVER AT
EXAM PURSUANT TO NRCP 35 (4)(A)(i)**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.
("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this
REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO COMPEL RULE 35
NEUROPSYCHOLOGICAL EXAMINATION AND TO PRECLUDE OBSERVER AT EXAM
PURSUANT TO NRCP 35 (4)(A)(i).

///

1 This Reply is based on the pleadings and papers on file, the memorandum of points and
2 authorities contained herein, the affidavit of counsel, the attached exhibits and any argument
3 permitted by this Court at the time set for hearing.

4 DATED this 3rd day of September, 2021.

5 TYSON & MENDES LLP

6
7 

8 THOMAS E. MCGRATH

9 Nevada Bar No. 7086

10 Email: tmcgrath@tysonmendes.com

11 CHERYL H. WILSON

12 Nevada Bar No. 8312

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16 Henderson, Nevada 89012

17 Tel: (702) 724-2648

18 *Attorneys for Defendants Defendants Willy*
19 *Gomez, Erez Bitton, and Oasis Moving &*
20 *Storage, Inc.*

21 II.

22 **LEGAL ARGUMENT**

23 A. **Plaintiff's Contention that the Defense Should Hire Another Expert is a Non-**
24 **Starter That Should be Summarily Disregarded by this Court.**

25 Plaintiff's Counsel cannot dictate which experts the Defendants retain. As such their
26 contention that "the defense may find another expert" is a non-starter that should be summarily
27 disregarded. See, Plaintiff's Opposition, p. 3, ll. 27. Dr. Thomas Kinsora is a professional and must
28 adhere to professional ethics and codes of conduct just as attorneys do. Defendants have
thoroughly addressed the issue of the Neuropsychology community's opinions with regard to the
presence of observers at Rule 35 examination. See, Exhibits "H" and "I" to Defendant's Motion.
Plaintiff's argument is akin to stating that a potential client should "shop around" until they find
an unscrupulous attorney who will acquiesce to their ethically questionable wishes. It is exactly

examinee's performance from being compared to established norms and potentially precludes valid interpretations of test results
-alter[ing] the test session
-increasing the risk of motivational effects related to secondary gain
-magnify[ing] observer effects
-copyright and intellectual property rights of test authors and publishers

See, Exhibit "I".

Additionally, the article notes that the presence of a third party observer during formal testing may represent "a threat to the validity and reliability of the data generated by an examination conducted under these circumstances, and may compromise the valid use of normative data in interpreting test scores. Id.

Conversely, Plaintiff's Opposition does not advance any arguments for how an observer at a Rule 35 exam would be beneficial. They simply address the issue of an observer as a prophylactic measure against unsubstantiated perceived harms that might arise should a Rule 35 exam proceed without an observer present.

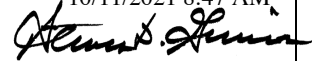
For all of these additional reasons Defendants Motion should be granted and an observer should not be allowed to be present at the Rule 35 examination of Plaintiff.

DATED this 3rd day of September, 2021.

TYSON & MENDES LLP



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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.



CLERK OF THE COURT

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Orlando De Castroverde
Nevada Bar No. 7320
Kimberly Valentin
Nevada Bar No. 12509
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Attorneys for Plaintiff Genaro Gomez Santana

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

v.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: A-20-821483-C

DEPT NO.: ~~32~~

2

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff GENARO GOMEZ SANTANA, and WILLY GOMEZ, EREZ BITTON, and MOVING & STORAGE, INC. d/b/a U TRUST MOVING, hereby stipulate to extend discovery deadlines set forth in the Scheduling Order and to continue trial, and in support thereof and as required by Eighth Judicial District Court Rule 2.35 state as follows:

V.

Current Trial Date

This case is scheduled for trial on May 23, 2022. This Stipulation is not being made for the purpose of unduly delaying discovery or the trial of this matter. The trial date can remain.

IT IS HEREBY STIPULATED.

Dated this 8th day of October, 2021.

DE CASTROVERDE LAW GROUP

/s/ Kimberly Valentin
Kimberly Valentin
Nevada Bar No. 12509
1149 South Maryland Parkway
Las Vegas, Nevada 89104
Attorneys for Plaintiff Genaro Gomez Santana

Dated this 8th day of October, 2021.

TYSON & MENDES LLP

/s/ Russell Christian
Thomas E. Mcgrath
Nevada Bar No. 7086
Russell D. Christian
Nevada Bar No. 11785
3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Attorneys For Defendants Willy Gomez; Erez Bitton; Oasis Moving & Storage

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Genaro Gomez Santana,
Plaintiff(s)

CASE NO: A-20-821483-C

7 vs.

DEPT. NO. Department 2

8
9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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13 Court. The foregoing Stipulation and 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:

14 Service Date: 10/11/2021

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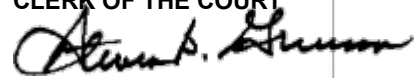
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8 *Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.*

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 GENARO GOMEZ SANTANA,

12 Plaintiff,

13 vs.

14 WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
15 MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

16 Defendants.

Case No. A-20-821483-C
Dept. No. 2

**DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATIONS**

Hearing Date: September 14, 2021
Hearing Time: 9:30 a.m.

18 **DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS**

19 **APPEARANCES:**

For the Defendants, Willy Gomez, Erez Bitton, and Oasis
Moving & Storage, Inc.
Russell D. Christian, Esq.
21 TYSON & MENDES, LLP

22 For the Plaintiff, Genaro Gomez Santana
Michael S. Matzke, Esq.
23 DECASTROVERDE LAW GROUP

24
25 Defendants' Motion to Compel NRCP 35 Neuropsychological Examination and to
26 Preclude Observer at Exam Pursuant to NRCP 35 (4)(a) was heard on September 14, 2021. After
27 considering the Motion, any related opposition and reply briefs, and the arguments of counsel, the
28

1 deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's Counsel with a
2 copy of all reports generated by the examining physician and/or the physician's staff
3 regarding this examination.

4 11. If the examination does not begin within fifteen minutes of the scheduled
5 start time, Plaintiff's Counsel will contact Defense Counsel in an attempt to reach a
6 solution before leaving.

7 12. A notice regarding an agreed upon time, date and place for the examination
8 will be served by Defendant.

9
10
11 **II.**
12 **RECOMMENDATIONS**

13 IT IS THEREFORE RECOMMENDED that Defendants' Motion to Compel NRCP 35
14 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(a)
15 is GRANTED, as follows:

16 IT IS FURTHER RECOMMENDED there will be no video recording, but the observer
17 will be present by remote means outside the door of the examination room in case the observer
18 needs to interrupt the Rule 35 examination; an audio recording can be made, but it is PROTECTED

19 *Discovery Commissioner's Report and Recommendations*
20 *Case Name: Santana vs. Oasis Moving & Storage, Inc., et. Al.*
21 *Case No.: A-20-821483-C*

22 under NRCP 26(c) for attorneys and experts only; no transcription of psychological testing or
23 documents, and for use in any other litigation.

24 DATED this 13th day of October, 2021.

25
26 
27 DISCOVERY COMMISSIONER

28 Submitted by:



170 South Green Valley Parkway, Suite 300
Henderson, Nevada 89012

1 TYSON & MENDES LLP

2
3 /s/ Russell Christian

4 THOMAS E. MCGRATH

5 Nevada Bar No. 7086

6 RUSSELL D. CHRISTIAN

7 Nevada Bar No. 11785

8 170 South Green Valley Parkway, Suite 300

9 Henderson, Nevada 89012

10 *Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.*

11 *Approved as to form and content by:*

12 DE CASTROVERDE LAW GROUP

13 /s/ Michael Matzke

14 ALEX DE CASTROVERDE

15 Nevada Bar No. 6950

16 ORLANDO DE CASTROVERDE

17 Nevada Bar No. 7320

18 KIMBERLY VALENTIN

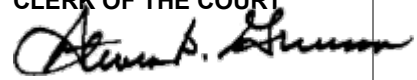
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20 1149 South Maryland Parkway

21 Las Vegas, Nevada 89104

22 *Attorneys for Plaintiff*

23 *Genaro Gomez Santana*



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

**OBJECTION TO DISCOVERY
COMMISSIONER'S REPORT AND
RECOMMENDATIONS**

[HEARING REQUESTED]

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc., by and through their counsel Thomas McGrath and Russell D. Christian of the law firm of Tyson & Mendes LLP, hereby respectfully submit their Objection to the Discovery Commissioner's Report and Recommendation from the September 14, 2021 hearing on Defendant's Motion to Compel Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCPC 35(4)(A)(i). (Attached as Exhibit "A")

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This Objection is made pursuant to NRCP 16.3 (c)(2) the attached Memorandum of Points and Authorities, any exhibits attached hereto, the pleadings and papers on file in this case and any arguments permitted at the time of the hearing on this matter.

DATED this 26th day of October, 2021.

TYSON & MENDES LLP



THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

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Henderson, Nevada 89012

*Attorneys for Defendants Willy Gomez,
Erez Bitton and Oasis Moving & Storage, Inc.*

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

This action arises out of a one-vehicle motor vehicle accident that occurred on November 14, 2019. Plaintiff Genaro Gomez Santana was a passenger in a commercial diesel truck driven by his nephew, Defendant Willy Gomez.

Plaintiff claims to have sustained a traumatic brain injury. As noted in Counsel's affidavit, Plaintiff has treated with Dr. Enrico Fazzini, who has offered opinions regarding an alleged head injury. Additionally, Michael A. Elliot, Ph.D., a licensed Psychologist, has offered a future medical special opinion related to psychological treatment for the Plaintiff. As such the parties have agreed that Plaintiff will present for an NRCP 35 neurological examination. However, there is disagreement as to the protocol to be followed related to the presence of a third-party observer during the examination and recording of the neurological testing¹. According this motion was filed in an effort to achieve a ruling with regard to the parties' respective positions with regard to

¹ Although not specifically addressed during the EDCR 2.34 conference this Motion also anticipates and addresses the issue of audio recording of the Rule 35 exam.

35(4)(A)(i) There is a concern within the field of neuropsychology that allowing test protocols to become part of the public domain can itself serve to invalidate test results in the future. (*See id.* at 3.) It is therefore critical to provide test security due to the harm that can result from public dissemination of novel test procedures. (*See id.*)

Referring again to the *Fretchuco* case, the Ninth Circuit wrote the following:

As stated in *Flack*:

Courts are often reluctant to permit a third party or recording device out of concern that the intrusion would (1) potentially invalidate the examination results; (2) fail to provide a level playing field[] as plaintiff was not required to tape record his examinations with his own health care providers; and (3) inject a greater degree of the adversary process into an evaluation that is to be neutral.

(*See Fretchuco, supra.*, at *13, emphasis added.)

Based on the foregoing, Defendants cannot agree to provide Plaintiff's counsel with a recording of the neuropsychological testing absent a showing of good cause.

III. CONCLUSION

Based upon the above Defendants respectfully request an Order reversing the Discovery Commissioner's Report and Recommendation from the September 14, 2021 hearing on Defendant's Motion to Compel Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35(4)(A)(i).

DATED this 26th day of October, 2021. TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

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Henderson, Nevada 89012

Attorneys for Defendants Willy Gomez,

Erez Bitton and Oasis Moving & Storage, Inc.

Heather S. Lumin
CLERK OF THE COURT

ORDR

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Attorneys for Defendants
Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

EIGHTH JUDICIAL DISTRICT COURT

DISTRICT OF NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. XXXII

ORDER

Hearing Date: September 14, 2021
Hearing Time: 9:30 a.m.

ORDER

The Court, having reviewed the above Report and Recommendations prepared by the
Discovery Commissioner and,

_____ No timely objection having been filed,

 X After reviewing the objections to the Report and Recommendations and good cause
appearing,

AND

 X IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations
are affirmed and adopted.

_____ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations
are affirmed and adopted as modified (attached hereto).

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Genaro Gomez Santana,
Plaintiff(s)

CASE NO: A-20-821483-C

7 vs.

DEPT. NO. Department 2

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9 Willy Gomez, Defendant(s)

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12 This automated certificate of service was generated by the Eighth Judicial District
13 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:

14 Service Date: 11/9/2021

15 Kimberly Valentin kimberly@decastroverdelaw.com

16 Stefania Ross SRoss@TysonMendes.com

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18 Scarlett Fisher sfisher@tysonmendes.com

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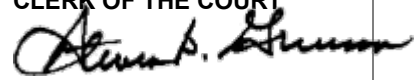
21 Michael Matzke Michael@decastroverdelaw.com

22 Tyson & Mendes tysonmendesLV@outlook.com

23 Shantei O'Dell SODell@TysonMendes.com

24 Russell Christian rchristian@tysonmendes.com

25 Solange Cardenas solange@decastroverdelaw.com



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Fax: (702) 410-7684

Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

NOTICE OF APPEAL

Notice is hereby given that Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc., by and through their attorneys of record, the law firm TYSON & MENDES LLP, appeals to the Supreme Court of Nevada from an Order Affirming the Discovery Commissioner's Report and Recommendations, rendered by the Eighth Judicial District Court, Clark County, Nevada on November 9, 2021, at 3:31 pm.

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A copy of the Order Affirming the Discovery Commissioner's Report and Recommendations is attached hereto as **Exhibit A**.

A copy of the Timely Served Objection to the Discovery Commissioner's Report and Recommendation is attached hereto as **Exhibit B**.

DATED this 8th day of December, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

Nevada Bar No. 8312

RUSSELL D. CHRISTIAN

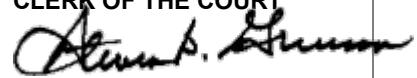
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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

HEARING NOT REQUESTED

**DEFENDANTS' EX PARTE EMERGENCY MOTION TO EXTEND
DISCOVERY DEADLINES ON ORDER SHORTENING TIME**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc. ("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this EX PARTE EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES ON ORDER SHORTENING TIME. No hearing is necessary as this Motion is filed on an Ex Parte Emergency basis.

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This Motion is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 8th day of December, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

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Tel: (702) 724-2648

*Attorneys for Defendants Defendants Willy
Gomez, Erez Bitton, and Oasis Moving &
Storage, Inc.*

IV.

CONCLUSION

For all of the above reasons, Defendants respectfully request that this Court extend all applicable discovery deadlines 30 days.

DATED this 8th day of December, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

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Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

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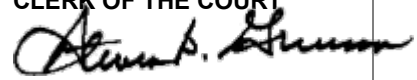
*Attorneys for Defendants Defendants Willy
Gomez, Erez Bitton, and Oasis Moving &
Storage, Inc.*

CERTIFICATE OF SERVICE

The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 8th day of December 2021, a copy of **DEFENDANTS' EX PARTE EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES ON ORDER SHORTENING TIME**, was served by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **ODYSSEY eFileNV** system.

/s/ Scarlett Fisher

An employee of Tyson & Mendes LLP



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

Date of Hearing: January 5, 2021
Time of Hearing: 9:30 AM

**DEFENDANTS OPPOSITION TO PLAINTIFF'S MOTION TO AMEND
COMPLAINT TO ADD PUNITIVE DAMAGES AGAINST DEFENDANT WILLY
GOMEZ**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc. ("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this Opposition to Plaintiff's Motion to Amend Complaint to Add Punitive Damages Against Defendant Willy Gomez.

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This Opposition is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 14th day of December, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

CHERYL H. WILSON

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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DECLARATION OF RUSSELL D. CHRISTIAN, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

RUSSELL D. CHRISTIAN, ESQ., being first duly sworn, under oath deposes and states:

1. I am an attorney duly licensed to practice law in the State of Nevada and I am counsel for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc., in connection with the above-captioned matter. I have personal knowledge of the following facts and if called upon could competently testify to such facts.

2. This action arises out of a one-vehicle motor vehicle accident that occurred on November 14, 2019. Plaintiff Genaro Gomez Santana was a passenger in a commercial diesel truck driven by his nephew, Defendant Willy Gomez. According to Plaintiff's Complaint Mr. Gomez was traveling Southbound on US 93 in the area of milepost 53 in Golden Valley, Arizona, when

MR. CHRISTIAN: Same objection. You can answer.

THE WITNESS: You want me to tell you the honest truth? I mean, to be honest -- as honest as possible with me, bro, life, because, you know, shit happens, bro. I mean, you know what I mean? That's a hard question for anybody. What could have caused this accident? Man, life. It's just an accident happened.

Id., p. 63, ll. 20-25; p. 64 ll. 1-4.

Plaintiff's entire claim for punitive damages is simply a red herring, a procedural ploy intentionally designed to be filed at such a time (after four and a half months of delay) so as to leave Defendant unable to muster expert opinions to defend against punitive damages claims. Plaintiff's allegations regarding steering issue are simply a red herring, as Defendant Willy Gomez has already testified that the road, and not only steering issues caused the accident.

IV.

CONCLUSION

Plaintiff's Motion should be denied as it is the result of undue delay on the part of the Plaintiff. Additionally, Plaintiff's Motion has a dilatory motive, would be unduly prejudicial to Defendants, and ultimately futile.

DATED this 14th day of December, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

CHERYL H. WILSON

Nevada Bar No. 8312

RUSSELL D. CHRISTIAN

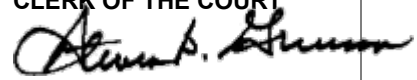
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Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.



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Fax: (702) 410-7684
Attorneys for Defendants
Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C

Dept. No. II

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Hon. Kierny, Carli

3. Identify each appellant and the name and address of counsel for each appellant:

Appellants: Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

Appellant's Counsel:

THOMAS E. MCGRATH

RUSSELL D. CHRISTIAN

TYSON & MENDES LLP

170 South Green Valley Parkway, Suite 300

Henderson, Nevada 89012

Tel: (702) 724-2648

Fax: (702) 410-7684

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondent: Genaro Gomez Santana
Respondent's Trial Counsel:
Alex J. De Castroverde
Orlando De Castroverde
Kimberly Valentin
DE CASTROVERDE LAW GROUP
1149 South Maryland Pkwy
Las Vegas, NV 89104
Tel: 702.964.1747
Fax: 702.383.8741

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 (attach a copy of any district court order granting such permission):

N/A

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:

N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

September 18, 2020.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This action arises out of a one-vehicle motor vehicle accident that occurred on November

1 14, 2019. Appellee Genaro Gomez Santana was a passenger in a commercial diesel truck driven by
2 his nephew, Appellant Willy Gomez. Appellee claims to have sustained a traumatic brain injury.
3 As noted in Counsel's affidavit, Appellee has treated with Dr. Enrico Fazzini, who has offered
4 opinions regarding an alleged head injury. Additionally, Michael A. Elliot, Ph.D., a licensed
5 Psychologist, has offered a future medical specials opinion related to psychological treatment for
6 the Plaintiff. As such the parties have agreed that Appellee will present for an NRCP 35
7 neurological examination. However, there is disagreement as to the protocol to be followed related
8 to the presence of a third-party observer during the examination and recording of the neurological
9 testing.

10 Appellee maintains that an observer should be present at the exam pursuant to NRS 52.380,
11 however, Appellant maintain that an observer is precluded from attending pursuant to NRCP 35
12 (4)(A)(i). Appellant filed a Motion to Compel and the Discovery Commissioner ruled that an
13 observer may be present by remote means outside the door of the examination room in case the
14 observer needs to interrupt the Rule 35 examination. The Discovery Commissioner ruled further
15 that an audio recording can be made but it is protected. Appellant hereby appeals this ruling by the
16 Discovery Commissioner and seeks a ruling with regard to the conflict of law between NRS 52.380
17 and NRCP 35 (4)(A)(i).

18 **11. Indicate whether the case has previously been the subject of an appeal to or original
19 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court
20 docket number of the prior proceeding:**

21 N/A

22 **12. Indicate whether this appeal involves child custody or visitation:**

23 N/A

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

26 The parties have engaged in settlement discussions however the parties have expressed
27 differences of opinion with regard to Appellee's alleged damages. As such Appellant needs a Rule
28 35 examination in order to have expert opinions regarding Appellee's alleged injuries, treatment,
and damages and was hopeful that once a Rule 35 examination was completed that the parties could
resume settlement discussions consistent with Appellant's expert opinions.

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1 Appellant is still open to the possibility of settlement.

2 DATED this 28th day of December, 2021.

3 TYSON & MENDES LLP

4 

6 THOMAS E. MCGRATH

Nevada Bar No. 7086

7 RUSSELL D. CHRISTIAN

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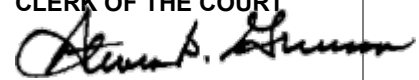
10 Fax: (702) 410-7684

Attorneys for Defendants Willy Gomez,

Erez Bitton and Oasis Moving & Storage, Inc.



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DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. XXXII

**REQUEST FOR TRANSCRIPT OF
PROCEEDINGS**

**Nevada Supreme Court Case No.:
83925**

TO: Francesca Haak Court Recorder, Discovery Commissioner

Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc, by and through
their attorneys the law office of TYSON & MENDES, LLP request preparation and filing of the
transcript of the following proceedings before the district court:

Dates of Proceedings & Judicial Officer :

09/14/2021 9:30 am Discovery Commissioner Erin Truman

Portions of transcript requested : Entire transcript of hearings

Numbers of copies requested : One

Request Timeline : Expedited—ASAP

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1 I certify that I have ordered the above-referenced transcript(s) from the court
2 reporter/recorder named above and have arranged to pay the fee or requested deposit when the
3 transcript is prepared.

4
5 DATED this 28th day of December, 2021.

6 TYSON & MENDES LLP

7
8 

9 THOMAS E. MCGRATH

10 Nevada Bar No. 7086

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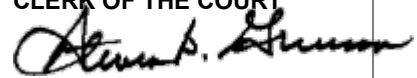
16 Fax: (702) 410-7684

17 *Attorneys for Defendants Willy Gomez,*

18 *Erez Bitton and Oasis Moving & Storage, Inc.*



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Henderson, Nevada 89012



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

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Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
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MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

HEARING NOT REQUESTED

**DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION EX PARTE
EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES ON ORDER
SHORTENING TIME**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc. ("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this REPLY TO PLAINTIFF'S OPPOSITION TO EX PARTE EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES ON ORDER SHORTENING TIME. No hearing is necessary as this Motion is filed on an Ex Parte Emergency basis.

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This Reply is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 4th day of January, 2021.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

Nevada Bar No. 8312

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Henderson, Nevada 89012

Tel: (702) 724-2648

Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Defendants attempts to effectuate the rule 35 examination of the Plaintiff have been stymied by Plaintiff's reliance on NRS 52.380 and their insistence that an observer be present at Plaintiff's Rule 35 exam pursuant to NRS 52.380.

In a recent turn of events, the Supreme Court of Nevada has declared NRS 52.380 unconstitutional. **See, Exhibit "A", Lyft v. Davis; 137 Nev., Advance Opinion.** As such, no observer can be present at the Rule 35 exam pursuant to NRCP 35 (4)(A)(i). As Plaintiffs wasted months of discovery time based upon their reliance on a then-controversial and now-unconstitutional law, relief is requested to extend all applicable discovery deadlines in order to allow Defendants to conduct Plaintiff's Rule 35 exam as allowed by Nevada law.

///

CONCLUSION

For all of the above reasons, Defendants respectfully request that this Court extend all applicable discovery deadlines in order to allow for the Rule 35 exam of Plaintiff.

DATED this 4th day of January, 2022.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

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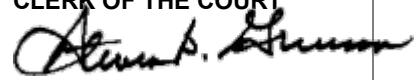
*Attorneys for Defendants Defendants Willy
Gomez, Erez Bitton, and Oasis Moving &
Storage, Inc.*

CERTIFICATE OF SERVICE

The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 4th day of January 2022, a copy of **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION EX PARTE EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES ON ORDER SHORTENING TIME**, was served by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **ODYSSEY eFileNV** system.

/s/ Scarlett Fisher

An employee of Tyson & Mendes LLP



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Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
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MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

HEARING REQUESTED

**DEFENDANTS' ERRATA EX PARTE EMERGENCY MOTION TO EXTEND
DISCOVERY DEADLINES ON ORDER SHORTENING TIME**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.
("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this
ERRATA TO EX PARTE EMERGENCY MOTION TO EXTEND DISCOVERY DEADLINES
ON ORDER SHORTENING TIME. No hearing is necessary as this Motion is filed on an Ex Parte
Emergency basis.

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///

///

///

This Errata is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 4th day of January, 2022.

TYSON & MENDES LLP

Russell Christian

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*Attorneys for Defendants Defendants Willy
Gomez, Erez Bitton, and Oasis Moving &
Storage, Inc.*

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ERRATA

Defendants bring this errata to their Ex Parte Motion to Extend Discovery Deadlines on Order Shortening Time, previously filed on December 8, 2021, for the purposes of correcting the following:

- (1) Defendants hereby request a hearing on their previous filed Motion Ex Parte Motion to Extend Discovery Deadlines on Order Shortening Time.
- (2) In light of the Nevada Supreme Court's recent decision in *Lyft v. Davis* 137 Nev., Advance Opinion, Plaintiff's position that an observer be present at a Rule 35 exam pursuant to NRS 52.380 is no longer tenable as NRS 52.380 has been declared unconstitutional. As such, Defendants file this Errata to change their prior request to extend the discovery deadlines by 30 days to a request to re-open discovery and extend all applicable discovery deadlines by six months in order to allow for the scheduling and attendance of Plaintiff at his Rule 35 exam.

DATED this 4th day of January, 2022.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

Nevada Bar No. 8312

RUSSELL D. CHRISTIAN

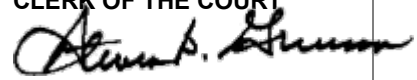
Nevada Bar No. 11785

170 South Green Valley Parkway, Suite 300

Henderson, Nevada 89012

Tel: (702) 724-2648

Attorneys for Defendants Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.



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THOMAS E. MCGRATH
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Tel: (702) 724-2648
Fax: (702) 410-7684

Attorneys for Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C
Dept. No. II

**MOTION TO COMPEL NRCP 35
NEUROPSYCHOLOGICAL
EXAMINATION AND TO PRECLUDE
OBSERVER AT EXAM PURSUANT TO
NRCP 35 (4)(A)(i)**

**HEARING REQUESTED BEFORE THE
DISCOVERY COMMISSIONER**

COMES NOW Defendants Willy Gomez, Erez Bitton, and Oasis Moving & Storage, Inc.
("Defendants"), by and through their counsel, the firm Tyson & Mendes LLP, and hereby file this
MOTION TO COMPEL RULE 35 NEUROPSYCHOLOGICAL EXAMINATION AND TO
PRECLUDE OBSERVER AT EXAM PURSUANT TO NRCP 35 (4)(A)(i).

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This Motion is based on the pleadings and papers on file, the memorandum of points and authorities contained herein, the affidavit of counsel, the attached exhibits and any argument permitted by this Court at the time set for hearing.

DATED this 13th day of January, 2022.

TYSON & MENDES LLP

Russell Christian

THOMAS E. MCGRATH

Nevada Bar No. 7086

Email: tmcgrath@tysonmendes.com

CHERYL H. WILSON

Nevada Bar No. 8312

RUSSELL D. CHRISTIAN

Nevada Bar No. 11785

170 South Green Valley Parkway, Suite 300

Henderson, Nevada 89012

Tel: (702) 724-2648

*Attorneys for Defendants Defendants Willy
Gomez, Erez Bitton, and Oasis Moving &
Storage, Inc.*

1 Id.

2 Finally, the Court's opinion directs the Courts to consider the parties' motions consistent
3 with NRCP 35. Id.

4 As set forth above there is no statutory mandate for an observer and/or audio recording of
5 the Rule 35 exam as NRS 52.380 has been declared unconstitutional.
6

7 IV.

8 **CONCLUSION**

9 NRCP 35 (4)(A)(i) explicitly prohibits an observer at a neuropsychological, psychological,
10 or psychiatric examination. The rule 35 examination in the present matter that the parties are trying
11 to set is the type of examination for which NRCP 35 (4)(A)(i) prohibits an observer. For this reason
12 and the reasons set forth above Defendants Motion should be granted and an observer should not
13 be allowed to be present at the Rule 35 examination of Plaintiff.

14 DATED this 13th day of January, 2021.

15 TYSON & MENDES LLP

16 

17 THOMAS E. MCGRATH

18 Nevada Bar No. 7086

19 Email: tmcgrath@tysonmendes.com

20 CHERYL H. WILSON

21 Nevada Bar No. 8312

22 RUSSELL D. CHRISTIAN

23 Nevada Bar No. 11785

24 170 South Green Valley Parkway, Suite 300

25 Henderson, Nevada 89012

26 Tel: (702) 724-2648

27 *Attorneys for Defendants Defendants Willy*
28 *Gomez, Erez Bitton, and Oasis Moving &*
Storage, Inc.

Heather S. Smith

CLERK OF THE COURT

ARJT

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U
TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO: A-20-821483-C

DEPT. 2

**AMENDED SCHEDULING ORDER AND
ORDER SETTING CIVIL JURY TRIAL**

IT IS HEREBY ORDERED:

1. All parties shall complete discovery on or before October 3, 2022.
 2. All parties shall file motions to amend pleadings or add parties on or before July 5, 2022.
 3. All parties shall make initial expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before July 5, 2022.
 4. All parties shall make rebuttal expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before August 4, 2022.
 5. All parties shall file dispositive motions on or before November 2, 2022.
- Certain dates may have been changed to bring all deadlines into compliance with N.R.C.P. 16.1.

Unless otherwise directed by the court, all pretrial disclosures pursuant to N.R.C.P. 16.1(a) (3) must be made at least 30 days before trial.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Genaro Gomez Santana,
7 Plaintiff(s)

CASE NO: A-20-821483-C

8 vs.

DEPT. NO. Department 2

9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 1/20/2022

16 Kimberly Valentin kimberly@decastroverdelaw.com

17 Stefania Ross SRoss@TysonMendes.com

18 Thomas McGrath tmcgrath@tysonmendes.com

19 Scarlett Fisher sfisher@tysonmendes.com

20 Cheryl Wilson cwilson@tysonmendes.com

21 Michael Matzke Michael@decastroverdelaw.com

22 Jessica Mejia jessicam@decastroverdelaw.com

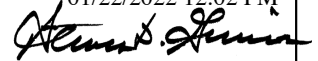
23 Tyson & Mendes tysonmendesLV@outlook.com

24 Shantei O'Dell SODell@TysonMendes.com

25 Russell Christian rchristian@tysonmendes.com

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Solange Cardenas solange@decastroverdelaw.com



CLERK OF THE COURT

ORDR

Alex J. De Castroverde
Nevada Bar No. 6950
Orlando De Castroverde
Nevada Bar No. 7320
Michael Matzke
Nevada Bar No. 14583
DE CASTROVERDE LAW GROUP
1149 South Maryland Pkwy
Las Vegas, NV 89104
Tel: 702.964.1749
Fax: 702.383.8741
Email: kimberly@decastroverdelaw.com
Attorneys for Plaintiff Genaro Gomez Santana

DISTRICT COURT

CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

v.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO: A-20-821483-C
DEPT NO. 2

DATE OF HEARING: January 05,
2022

TIME: 9:30 AM

**PLAINTIFF'S MOTION TO AMEND COMPLAINT TO ADD PUNITIVE DAMAGES
AGAINST DEFENDANT WILLY GOMEZ**

This matter came before the Court on Plaintiffs' Motion to Amend Complaint to Add Punitive Damages Against Defendant Willy Gomez on January 05, 2022. Present at the hearing was Michael Matzke Esq., counsel for Plaintiff. The Court, having considered the pleadings, applicable case law, rules, and statutes, and the argument of the parties, finds and orders as follows:

FINDINGS OF FACT

1 This matter came before the Court on Plaintiffs' Motion to Amend Complaint to
2 Add Punitive Damages Against Defendant Willy Gomez on January 05, 2022.

3 **THE COURT FINDS** that Plaintiff's Motion To Amend Complaint To Add Punitive
4 Damages Against Defendant Willy Gomez was brought with no bad faith, dilatory
5 tactics, nor was the request futile.
6

7 **CONCLUSIONS OF LAW**

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion To Amend Complaint To Add
9 Punitive Damages Against Defendant Willy Gomez is GRANTED;
10

11 IT IS SO ORDERED this 18th day of January, 2022.
12

13 Dated this 22nd day of January, 2022

14 

15 DISTRICT COURT JUDGE

CCA 3B4 67D1 1357

Carli Kierny, District Court Judge
Reviewed as to form and content

16 Respectfully submitted by:

17 Dated this 18th day of January, 2022.

18 Dated this 18th day of January, 2022.

19 **DE CASTROVERDE LAW GROUP**

TYSON & MENDES LLP

20
21 /s/ Michael Matzke

22 Michael Matzke
23 Nevada Bar No. 14583
24 South Maryland Pkwy.
Las Vegas, Nevada 89104
Attorneys for Plaintiff

/s/ Russell Christian

Russell Christian
Nevada Bar No.
170 S. Green Valley Pkwy Suite#300
Henderson, Nevada 89012
Attorneys for Defendant

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Genaro Gomez Santana,
Plaintiff(s)

CASE NO: A-20-821483-C

7 vs.

DEPT. NO. Department 2

8
9 Willy Gomez, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/22/2022

15 Kimberly Valentin kimberly@decastroverdelaw.com

16 Stefania Ross SRoss@TysonMendes.com

17 Thomas McGrath tmcgrath@tysonmendes.com

18 Scarlett Fisher sfisher@tysonmendes.com

19 Cheryl Wilson cwilson@tysonmendes.com

20 Michael Matzke Michael@decastroverdelaw.com

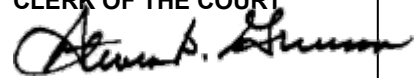
21 Tyson & Mendes tysonmendesLV@outlook.com

22 Jessica Mejia jessicam@decastroverdelaw.com

23 Shantei O'Dell SODell@TysonMendes.com

24 Russell Christian rchristian@tysonmendes.com

25 Solange Cardenas solange@decastroverdelaw.com



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6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Facsimile: 702.893.3789
Attorneys for Erez Bitton and Oasis Moving & Storage

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U
TRUST MOVING; DOES I-X, inclusive, and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C

Dept. No.: 2

**NOTICE OF ASSOCIATION OF
COUNSEL**

NOTICE OF ASSOCIATION OF COUNSEL

TO: ALL PARTIES; and

TO: THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that LEWIS BRISBOIS BISGAARD & SMITH LLP hereby
associates with TYSON & MENDES, LLP as counsel of record for and on behalf of Defendants
EREZ BITTON and OASIS MOVING & STORAGE, INC. d/b/a U TRUST MOVING in the above-
entitled matter. A formal Substitution of Counsel will be forthcoming.

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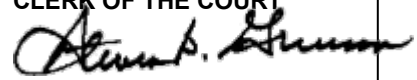
1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 3rd day of February, 2022 I did cause a
3 true copy of the foregoing **NOTICE OF ASSOCIATION OF COUNSEL** to be served via the
4 Court's electronic filing and service system to all parties on the current service list.

5 Alex L. De Castroverde, Esq.
6 Orlando De Castroverde, Esq.
7 **DE CASTROVERDE LAW GROUP**
8 1149 South Maryland Pkwy
9 Las Vegas, NV 89104
10 *Attorney for Plaintiff*

11 Thomas E. McGrath, Esq.
12 Russell D. Christian, Esq.
13 **TYSON & MENDES LLP**
14 170 S. Green Valley Parkway, Suite 300
15 Las Vegas, Nevada 89012
16 *Attorneys for Willy Gomez, Erez Bitton and*
17 *Oasis Moving & Storage*

18 By /s/ Martina Jacobo
19 Martina Jacobo, An Employee of
20 LEWIS BRISBOIS BISGAARD & SMITH LLP
21
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Nevada Bar No. 6618
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Kelly.Smith@lewisbrisbois.com
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Las Vegas, Nevada 89118
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Facsimile: 702.893.3789
Attorneys for Erez Bitton and Oasis Moving & Storage

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U
TRUST MOVING; DOES I-X, inclusive, and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C

Dept. No.: 2

**DEFENDANTS' BITTON AND OASIS
MOVING & STORAGE REPLY IN
SUPPORT OF MOTION TO COMPEL
NRCP 35 NEUROPSYCHOLOGICAL
EXAMINATION AND TO PRECLUDE
OBSERVER AT EXAM PURSUANT TO
NRCP 35 (4)(A)(i)**

Before the Discovery Commissioner

Date of Hearing: February 15, 2022

Time of Hearing: 9:30 a.m.

Defendants EREZ BITTON and OASIS MOVING & STORAGE, INC. d/b/a U TRUST
MOVING hereby submits their Reply in Support of Defendants' Motion to Compel NRCP 35
Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(A)(i).
This Reply is made and based upon the pleadings and papers on file with the Court, the attached
Memorandum of Points & Authorities, and any argument allowed by the Court at the hearing of this
matter.

1 **CERTIFICATE OF SERVICE**

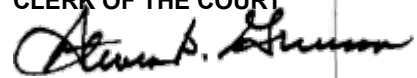
2 Pursuant to NRCP 5(b), I hereby certify that on this 9th day of February, 2022 I did cause a
3 true copy of the foregoing to be served via the Court's electronic filing and service system to all
4 parties on the current service list.

5 Alex L. De Castroverde, Esq.
6 Orlando De Castroverde, Esq.
7 **DE CASTROVERDE LAW GROUP**
8 1149 South Maryland Pkwy
9 Las Vegas, NV 89104
10 *Attorney for Plaintiff*

ROBERT K. PHILLIPS, ESQ.
TIMOTHY D. KUHLS, ESQ.
PHILLIPS, SPALLAS & ANGSTADT, LLC
504 South Ninth Street
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rphillips@psalaw.net
tkuhls@psalaw.net
Attorneys for Defendant
Willy Gomez

9 Thomas E. McGrath, Esq.
10 Russell D. Christian, Esq.
11 **TYSON & MENDES LLP**
12 170 S. Green Valley Parkway, Suite 300
13 Las Vegas, Nevada 89012
14 *Attorneys for Gomez, Erez Bitton and Oasis*
15 *Moving & Storage*

14 By /s/ Martina Jacobo
15 Martina Jacobo, An Employee of
16 LEWIS BRISBOIS BISGAARD & SMITH LLP
17
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1 **SUBT**
2 **ROBERT K. PHILLIPS, ESQ.**
3 Nevada Bar No. 11441
4 **TIMOTHY D. KUHLs, ESQ.**
5 Nevada Bar No. 13362
6 **PHILLIPS, SPALLAS & ANGSTADT, LLC**
7 504 South Ninth Street
8 Las Vegas, Nevada 89101
9 (702) 938-1510
10 (702) 938-1511 (Fax)
11 rphillips@psalaw.net
12 tkuhls@psalaw.net

13 *Attorneys for Defendant*
14 *Willy Gomez*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **GENARO GOMEZ SANTANA**

18 Plaintiff,

19 v.

20 **WILLY GOMEZ; EREZ BITTON; OASIS**
21 **MOVING & STORAGE, INC. dba U TRUST**
22 **MOVING; DOES I-X, inclusive, and ROE**
23 **CORPORATIONS I-X, inclusive,**

24 Defendants.

Case No.: A-20-821483-C
Dept No.: 2

SUBSTITUTION OF COUNSEL FOR
WILLY GOMEZ

25 COMES NOW, Defendant WILLY GOMEZ ("Defendant" or "GOMEZ"), and hereby
26 substitutes ROBERT K. PHILLIPS, ESQ. and TIMOTHY D. KUHLs, ESQ. of PHILLIPS, SPALLAS
27 & ANGSTADT LLC, as his attorneys of record in place and stead of RUSSELL CHRISTIAN, ESQ. of
28 TYSON & MENDES LLP, in the above entitled action. Defendant requests that any electronic service
be to PHILLIPS, SPALLAS & ANGSTADT LLC for GOMEZ moving forward.

...

...

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...

...

1 DATED this 16th day of February 2022.

2 TYSON & MENDES LLP

3 /s/ Russell D. Christian

4 RUSSELL D. CHRISTIAN, ESQ.

5 Nevada Bar No.

6 170 S. Green Valley Parkway, Suite 300

7 Henderson, Nevada 89012

8 The undersigned Defendant WILLY GOMEZ hereby consents to the substitution of PHILLIPS,
9 SPALLAS & ANGSTADT LLC as counsel of record in the place and instead of TYSON & MENDES
10 LLP as its counsel.

11 DATED this 8th day of February 2022.

12 
13 Willy Gomez

14 The undersigned hereby consents to be substituted in as the counsel of record for Defendant
15 WILLY GOMEZ.

16 DATED this 8th day of February 2022.

17 DATED this _____ day of February 2022.

18 PHILLIPS, SPALLAS & ANGSTADT LLC

19 
20 ROBERT K. PHILLIPS, ESQ.

21 Nevada Bar No. 11441

22 TIMOTHY D. KUHL, ESQ.

23 Nevada Bar No. 13362

24 INDIA C. BURTON

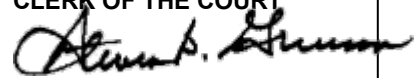
25 Nevada Bar No. 15022

26 504 South Ninth Street

27 Las Vegas, Nevada 89101

28 Attorneys for Defendants

Willy Gomez



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Kelly.Smith@lewisbrisbois.com
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6385 S. Rainbow Boulevard, Suite 600
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Telephone: 702.893.3383
Facsimile: 702.893.3789
Attorneys for Erez Bitton and Oasis Moving & Storage

DISTRICT COURT
CLARK COUNTY, NEVADA

GENARO GOMEZ SANTANA,

Plaintiff,

vs.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U
TRUST MOVING; DOES I-X, inclusive, and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-821483-C

Dept. No.: 2

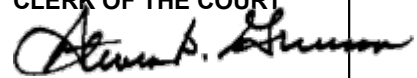
**EREZ BITTON AND OASIS MOVING &
STORAGES' ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

Defendants EREZ BITTON and OASIS MOVING & STORAGE ("Defendants") by and through their attorneys of record, LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby answers Plaintiff's First Amended Complaint as follows:

Pursuant to NRCP 8(b), Defendants deny generally each and every allegation of matter, fact and thing against them contained in Plaintiff's Complaint, unless otherwise admitted or qualified, and the whole thereof, and each and every cause of action contained therein and further deny that Plaintiff sustained damages in the sum or sums alleged or in any sum or at all by reason of any act, breach or omission on the part of Defendants.

///

///



DCRR

Alex J. De Castroverde
Nevada Bar No. 6950
Orlando De Castroverde
Nevada Bar No. 7320
Michael Matzke
Nevada Bar No. 14583

DE CASTROVERDE LAW GROUP

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Email: kimberly@decastroverdelaw.com

Attorneys for Plaintiff Genaro Gomez Santana

**DISTRICT COURT
CLARK COUNTY, NEVADA**

GENARO GOMEZ SANTANA,

Plaintiff,

v.

WILLY GOMEZ; EREZ BITTON; OASIS
MOVING & STORAGE, INC. d/b/a U TRUST
MOVING; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO: A-20-821483-C
DEPT NO. IX

Date of Hearing: February 15, 2022
Time of Hearing: 9:30 AM

**DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS
REGARDING PLAINTIFF'S MOTION TO COMPEL NRCP 35
NEUROPSYCHOLOGICAL EXAMINATION AND TO PRECLUDE OBSERVER AT
EXAM PURSUANT TO NRCP 35 (4)(A)(i)**

Attorneys for Plaintiff: Michael Matzke, Esq., De Castroverde Law Group

Attorney for Defendant's Oasis Moving & Storage, Inc., Erez Bitton: Kelly Smith,
Esq., Lewis Brisbois Bisgaard & Smith, LLP

Attorney for Defendant's Oasis Moving & Storage, Inc., Erez Bitton, Willy
Gomez: Russell Christian, Esq., Tyson & Mendes, LLP

I. FINDINGS

This matter came before the Discovery Commissioner on Plaintiff's Motion To
Compel NRCP 35 Neuropsychological Examination and to preclude observer at exam

Case Name: Gomez Santana v. Gomez et. al
Case Number: A-20-821483-C

The Discovery Commissioner, met with counsel for the parties, having discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.

DATED this 5th day of ^{April} ~~March~~, 2022.


DISCOVERY COMMISSIONER

Respectfully submitted by:

DE CASTROVERDE LAW GROUP

/s/ Michael Matzke
Michael Matzke
Nevada Bar No. 14583
1149 S. Maryland Parkway
Las Vegas, Nevada 89104
Attorneys for Plaintiff

Approved as to Form and Content by:

**LEWIS BRISBOIS BISGAARD & SMITH,
LLP**

/s/ Kelly Smith
Darrell Dennis
Nevada Bar No. 6618
Kelly Smith
Nevada Bar No. 9192
6385 South Rainbow Suite #600
Las Vegas, Nevada 89118
Attorneys for Defendants

Approved as to Form and Content by:

TYSON & MENDES, LLP

Refuse to sign
Russell Christian
Nevada Bar No. 11785
170 South Green Valley Prkwy Suite#300
Henderson, Nevada 89012
Attorney for Defendants

Case Information

A-20-821483-C | Genaro Gomez Santana, Plaintiff(s) vs. Willy Gomez, Defendant(s)

Case Number	Court	Judicial Officer
A-20-821483-C	Department 9	Gall, Maria
File Date	Case Type	Case Status
09/18/2020	Negligence - Auto	Dismissed

Party

Plaintiff
Gomez Santana, Genaro

Active Attorneys ▼
Lead Attorney
Decastroverde, Alejandro J.
Retained

Attorney
De Castroverde, Orlando
Retained

Attorney
Harnik, Michelle J
Retained

Attorney
Matzke, Michael S.
Retained

Defendant
Gomez, Willy

Active Attorneys ▼
Attorney
Kuhls, Timothy D., ESQ
Retained

Lead Attorney
Phillips, Robert Kirk
Retained

Events and Hearings

09/18/2020 Complaint ▼

Complaint - COMP (CIV)

Comment

[1] Complaint

09/18/2020 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[2] Initial Appearance Fee Disclosure

09/18/2020 Summons Electronically Issued - Service Pending ▼

Comment

[3] Summons - Erez

09/18/2020 Summons Electronically Issued - Service Pending ▼

Comment

[4] Summons - Oasis

09/18/2020 Summons Electronically Issued - Service Pending ▼

Comment

[5] Summons - Willy

09/28/2020 Summons ▼

Summons - SUMM (CIV)

Comment

[6] Summons - Erez

09/28/2020 Summons ▼

Summons - SUMM (CIV)

Comment

[7] Summons - Oasis

09/28/2020 Summons ▼

Summons - SUMM (CIV)

Comment

[8] Summons - Willy

11/13/2020 Answer to Complaint ▼

Answer to Complaint - ANSC (CIV)

Comment

[9] Defendants Oasis Moving & Storage, Inc. and Willie Gomez s Answer to Plaintiff s Complaint

11/13/2020 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[10] Defendants Oasis Moving & Storage, Inc. and Willie Gomez s Initial Appearance Fee Disclosure

11/13/2020 Demand for Jury Trial ▼

Demand for Jury Trial - DMJT (CIV)

Comment

[11] Defendants Oasis Moving & Storage, Inc. and Willie Gomez s Demand for Jury Trial

11/20/2020 Amended Answer ▼

Amended Answer - AANS (CIV)

Comment

[12] Defendants First Amended Answer to Plaintiff s Complaint

11/20/2020 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[13] Defendant Erez Bitton s Initial Appearance Fee Disclosure

11/23/2020 Request for Exemption From Arbitration ▼

ADR - Request for Exemption From Arbitration - ABREA (CIV)

Comment

[14] Request for Exemption from Arbitration

12/11/2020 Commissioners Decision on Request for Exemption - Granted ▼

ADR - Commissioner's Decision on Request for Exemption - Granted - CDRG (CIV)

Comment

[15] Commissioner's Decision on Request for Exemption - GRANTED

01/04/2021 Case Reassigned to Department 2 ▼

Comment

Judicial Reassignment to Judge Carli Kierny

01/22/2021 Notice ▼

Notice - NOTC (CIV)

Comment

[16] Notice of Change of Address

02/08/2021 Joint Case Conference Report ▼

Joint Case Conference Report - JCCR (CIV)

Comment

[17] Joint Case Conference Report

02/16/2021 Scheduling and Trial Order ▼

Scheduling and Trial Order

Comment

[18] Scheduling Order and Order Setting Civil Jury Trial

02/22/2021 Mandatory Rule 16 Conference Order ▼

Mandatory Rule 16 Conference Order

Comment

[19] Mandatory Rule 16 Pre-Trial Conference Order

04/07/2021 Mandatory Rule 16 Conference ▼

Original Type

Mandatory Rule 16 Conference

Minutes - Mandatory Rule 16 Conference

Judicial Officer

Kiorny, Carli

Hearing Time

9:30 AM

Result

Scheduling Order Will Issue

Parties Present▲

Plaintiff

Attorney: Harnik, Michelle J

04/13/2021 Amended Order Setting Jury Trial ▼

Amended Order Setting Jury Trial

Comment

[20] Amended Order Setting Civil Jury Trial an Calendar Call

08/10/2021 Motion to Compel ▼

Motion to Compel - MCOM (CIV)

Comment

[21] Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(a)(I)

08/10/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[22] Notice of Hearing

08/24/2021 Opposition to Motion to Compel ▼

Opposition to Motion to Compel - OMCM (CIV)

Comment

[23] Opposition to Defendant's Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(A)(i)

09/03/2021 Reply to Opposition ▼

Reply to Opposition - ROPP (CIV)

Comment

[24] Reply to Plaintiff s Opposition to Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(a)(I)

09/14/2021 Motion to Compel ▼

Minutes - Motion to Compel

Judicial Officer

Truman, Erin

Hearing Time

9:30 AM

Result

Granted

Comment

Defendant's Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(a)(I)

Parties Present ▲

Plaintiff

Attorney: Matzke, Michael S.

09/20/2021 Application for Issuance of Commission to Take Deposition ▼

Application for Issuance of Commission to Take Deposition - APCOM (CIV)

Comment

[25] Plaintiff's Application for the Issuance of a Commission to Take Deposition of Retired Police Officer, Jason Ellico Outside the State of Nevada

09/20/2021 Commission Issued ▼

Comment

[26] Commission to Take Deposition of Retired Police Officer, Jason Ellico, Outside the State of Nevada

09/27/2021 Commission to Take Deposition Outside the State of Nevada ▼

Commission to Take Deposition Outside the State of Nevada - COMM (CIV)

Comment

[27] Commission to Take Deposition of Retired Police Officer, Jason Ellico Outside the State of Nevada

10/07/2021 Deposition Subpoena ▼

Summons - SUMM (CIV)

Comment

[28] Deposition Subpoena

10/11/2021 Stipulation and Order ▼

Stipulation and Order

Comment

[29] Stipulation and Order to Extend Discovery (First Request)

10/11/2021 Notice of Entry of Stipulation and Order ▼

Notice of Entry of Stipulation and Order - NTSO (CIV)

Comment

[30] Notice of Entry of Stipulation and Order

10/14/2021 Status Check: Compliance ▼

Judicial Officer

Truman, Erin

Hearing Time

8:59 AM

Cancel Reason

Vacated

Comment

Status Check: Compliance / 9-14-2021 DCRR

10/14/2021 Discovery Commissioners Report and Recommendations ▼

Discovery Commissioners Report and Recommendations - DCRR (CIV)

Comment

[31] Discovery Commissioner s Report and Recommendations -Originals

10/26/2021 Objection to Discovery Commissioners Report and Recommend ▼

Objection to Discovery Commissioners Report and Recommend - ODCR (CIV)

Comment

[32] Objection To Discovery Commissioner s Report And Recommendations

11/08/2021 Response ▼

Response - RSPN (CIV)

Comment

[33] Plaintiff's Response in Support of Discovery Commissioner's Report and Recommendations

11/09/2021 Minute Order ▼

Minute Order

Judicial Officer

Kiorny, Carli

Hearing Time

4:30 PM

Result

Minute Order - No Hearing Held

11/09/2021 Order ▼

Order

Comment

[35] Order

11/30/2021 Motion to Amend Complaint ▼

Motion to Amend Complaint - MAMC (CIV)

Comment

[36] Plaintiff's Motion to Amend Complaint to Add Punitive Damages Against Defendant Willy Gomez

12/01/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[37] Notice of Hearing

12/08/2021 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment

[38] Notice of Appeal

12/08/2021 Ex Parte Motion ▼

Ex Parte Motion - EXMT (CIV)

Comment

[39] Defendants Ex Parte Emergency Motion To Extend Discovery Deadlines On Order Shortening Time

12/14/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[40] Defendants Opposition To Plaintiff s Motion To Amend Complaint To Add Punitive Damages Against Defendant Willy Gomez

12/17/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[41] Plaintiff's Opposition to Defendant's Ex Parte Emergency Motion to Extend Discovery Deadlines on Order Shortening Time

12/17/2021 Amended ▼

Amended - AMEN (CIV)

Comment

[42] Amended Opposition to Defendant's Ex Parte Emergency Motion to Extend Discovery Deadlines on Order Shortening Time

12/28/2021 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment

[43] Case Appeal Statement

12/28/2021 Request ▼

Request - REQT (CIV)

Comment

[44] Request for Transcripts of Proceedings

12/29/2021 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[45] Reply in Support of Plaintiff's Motion to Amend Complaint to Add Punitive Damages against Defendant Willy Gomez

01/04/2022 Reply to Opposition ▼

Reply to Opposition - ROPP (CIV)

Comment

[46] Defendants' Reply to Plaintiff's Opposition Ex Parte Emergency Motion to Extend Discovery Deadlines on Order Shortening Time

01/04/2022 Motion to Extend Discovery ▼

Errata - ERR (CIV)

Comment

[47] Defendants Errata Ex Parte Emergency Motion To Extend Discovery Deadlines On Order Shortening Time

01/05/2022 Motion to Amend Complaint ▼

Minutes - Motion to Amend Complaint

Judicial Officer

Kierny, Carli

Hearing Time

9:30 AM

Result

Granted

Comment

Plaintiff's Motion to Amend Complaint to Add Punitive Damages Against Defendant Willy Gomez

Parties Present▲

Plaintiff

Attorney: Matzke, Michael S.

01/10/2022 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[48] Notice of Hearing

01/13/2022 Motion to Compel ▼

Motion to Compel - MCOM (CIV)

Comment

[49] Motion To Compel NRCP 35 Neuropsychological Examination And To Preclude Observer At Exam Pursuant To NRCP 35 (4)(A)(i)

01/13/2022 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[50] Notice of Hearing

01/19/2022 Motion to Extend Discovery ▼

Judicial Officer

Kiorny, Carli

Hearing Time

9:30 AM

Cancel Reason

Vacated - Previously Decided

Comment

[47] Defendants Errata Ex Parte Emergency Motion To Extend Discovery Deadlines On Order Shortening Time

01/20/2022 Amended Order Setting Jury Trial ▼

Amended Order Setting Jury Trial

Comment

[51] Amended Scheduling and Trial Order

01/22/2022 Order Granting Motion ▼

Order Granting

Comment

[52] Order Granting Motion to Amend Complaint to Add Punitive Damages Against Defendant Willy Gomez

01/24/2022 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[53] Notice of Entry of Order

01/26/2022 First Amended Complaint ▼

First Amended Complaint - FAC (CIV)

Comment

[54] First Amended Complaint

01/27/2022 Opposition to Motion to Compel ▼

Opposition to Motion to Compel - OMCM (CIV)

Comment

[55] Plaintiff's Opposition to Defendant's Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35(4)(A)(i)

02/03/2022 Notice of Association of Counsel ▼

Notice of Association of Counsel - NOAC (CIV)

Comment

[56] Notice of Association of Counsel

02/07/2022 Notice of Association of Counsel ▼

Notice of Association of Counsel - NOAC (CIV)

Comment

[57] Notice of Association of Counsel

02/09/2022 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[58] Defendants' Bitton and Oasis Moving & Storage Reply in Support of Motion to Compel NRCP 35 Neuropsychological Examination and to Preclude Observer at Exam Pursuant to NRCP 35 (4)(A)(i)

02/15/2022 Motion to Compel ▼

Minutes - Motion to Compel

Judicial Officer

Truman, Erin

Hearing Time

9:30 AM

Result

Granted in Part

Comment

Motion To Compel NRCP 35 Neuropsychological Examination And To Preclude Observer At Exam Pursuant To NRCP 35 (4)(A)(i)**Parties Present ▲****Plaintiff****Attorney: Matzke, Michael S.**

02/16/2022 Substitution of Attorney ▼

Substitution of Attorney - SUBT (CIV)

Comment

[59] Substitution of Counsel for Willy Gomez

02/18/2022 Substitution of Attorney ▼

Substitution of Attorney - SUBT (CIV)

Comment

[60] Substitution of Counsel (Oasis and Erez Bitton)

02/18/2022 Answer to Amended Complaint ▼

Answer to Amended Complaint - ANAC (CIV)

Comment

[61] Erez Bitton and Oasis Moving & Storage's Answer to Plaintiff's First Amended Complaint

02/23/2022 Demand for Prior Discovery ▼

Demand for Prior Discovery - DMPD (CIV)

Comment

[62] DEFENDANT WILLY GOMEZ'S DEMAND FOR PRIOR DISCOVERY

03/17/2022 Status Check: Compliance ▼

Status Check: Compliance

Judicial Officer

Truman, Erin

Hearing Time

8:59 AM

Result

Matter Continued

Comment

Status Check: Compliance / 2-15-2022 DCRR

04/04/2022 Case Reassigned to Department 9 ▼

Comment

Judicial Reassignment - From Judge Carli Kierny to Judge Vacant, DC9

04/05/2022 Discovery Commissioners Report and Recommendations ▼

Discovery Commissioners Report and Recommendations - DCRR (CIV)

Comment

[63] Discovery Commissioner s Report and Recommendations -Originals

04/12/2022 Stipulation and Order ▼

Stipulation and Order

Comment

[64] SAO to Dismiss

04/12/2022 Notice of Entry of Stipulation & Order for Dismissal ▼

Notice of Entry of Stipulation & Order for Dismissal - NESO (CIV)

Comment

[65] Notice of Entry of Stipulation and Order to Dismiss with Prejudice

04/21/2022 Order ▼

Order

Comment

[66] Order

07/11/2022 Administrative Reassignment - Judicial Officer Change ▼

Comment

Pursuant to Administrative Order 22-10 - Reassigned from Vacant, DC9 to Judge Maria Gall

03/01/2023 Calendar Call ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Secretary

03/13/2023 Jury Trial ▼

Judicial Officer

Gall, Maria

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Secretary