

Electronically Filed  
Jan 04 2022 09:30 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS**  
BRADLEY S. MAINOR, ESQ.  
Nevada Bar No. 7434  
JOSEPH J. WIRTH, ESQ.  
Nevada Bar No. 10280  
ASH MARIE BLACKBURN, ESQ.  
Nevada Bar No. 14712  
**MAINOR WIRTH, LLP**  
6018 S. Fort Apache, Ste. 150  
Las Vegas, Nevada 89148  
Phone: (702) 464-5000  
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[Ash@mwinjury.com](mailto:Ash@mwinjury.com)  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARIA MCMILLIN, an individual,  
  
Plaintiff,

CASE NO. A-19-787989-C  
DEPT. NO. 1

v.

**NOTICE OF APPEAL**

ROBERT THOMPSON; Individually and as  
Franchisee; TYRON HENDERSON,  
Individually; DOES I-XX, inclusive; and ROE  
CORPORATIONS I - XX, inclusive,  
  
Defendants.

Notice is hereby given that Plaintiff MARIA MCMILLIN, by and through her counsel of record, ASH MARIE BLACKBURN, ESQ., of MAINOR WIRTH, hereby appeals to the Supreme Court of Nevada from the District Court's Order regarding Defendant TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT – and – DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT – and – COUNTERMOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT and the Notice of Entry of Order filed on November 23, 2021.

1 DATED this 22nd day of December, 2021.

2 **MAINOR WIRTH, LLP**

3 By: /s/ Ash Marie Blackburn  
4 ASH MARIE BLACKBURN, ESQ.  
5 Nevada Bar No. 14712  
6 *Attorney for Plaintiff*

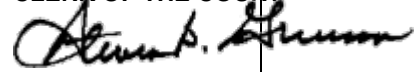
7 **CERTIFICATE OF SERVICE**

8 Pursuant to NRCP 5(b), the amendment to EDCR 7.26, and Administrative Order 14-2,  
9  
10 I hereby certify that on the 22nd day of December, 2021, I caused a true and correct copy of the  
11 foregoing **NOTICE OF APPEAL** to be served electronically, to all parties with an email  
12 address on record, as follows:

13 Steve T. Jaffe, Esq.  
14 Cindie D. Hernandez, Esq.  
15 HALL JAFFE & CLAYTON, LLP  
16 7425 Park Run Drive  
17 Las Vegas, NV 89128  
18 *Attorney for Defendant*

19 */s/ Lindsay Hayes*

20 \_\_\_\_\_  
21 An Employee of **MAINOR WIRTH,**  
22 **LLP**



1 **ASTA**  
2 BRADLEY S. MAINOR, ESQ.  
3 Nevada Bar No. 7434  
4 JOSEPH J. WIRTH, ESQ.  
5 Nevada Bar No. 10280  
6 ASH MARIE BLACKBURN, ESQ.  
7 Nevada Bar No. 14712  
8 **MAINOR WIRTH, LLP**  
9 6018 S. Fort Apache, Ste. 150  
10 Las Vegas, Nevada 89148  
11 Phone: (702) 464-5000  
12 Facsimile: (702) 463-4440  
13 [Ash@mwinjury.com](mailto:Ash@mwinjury.com)  
14 *Attorneys for Plaintiff*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MARIA MCMILLIN, an individual,  
13  
14 Plaintiff,

CASE NO. A-19-787989-C  
DEPT. NO. 1

14 v.

15 ROBERT THOMPSON; Individually and as  
16 Franchisee; TYRON HENDERSON,  
17 Individually; DOES I-XX, inclusive; and ROE  
18 CORPORATIONS I - XX, inclusive,  
19 Defendants.

19 **CASE APPEAL STATEMENT**

20  
21 **1. APPELLANT FILING THIS CASE APPEAL STATEMENT:**

22 Maria McMillin

23 **2. JUDGE ISSUING THE JUDGMENT OR ORDER APPEALED FROM:**

24 The Honorable Judge Bitu Yeager

25 **3. ALL PARTIES TO THE PROCEEDING IN THE DISTRICT COURT:**

26 Plaintiff: Maria McMillin

27 Defendant: Robert Thompson

28 Defendant: Tyron[e] Henderson

///

1           **4.       ALL PARTIES TO THE APPEAL:**

2           Appellant: Maria McMillin

3           Respondent: Robert Thompson

4           Respondence: Tyron[e] Henderson

5           **5.       NAME OF COUNSEL AND WHOM THEY REPRESENT:**

6           **Counsel for Appellant; Maria McMillin:**

7           **MORRIS LAW CENTER**

8           TIMOTHY A. WISEMAN, ESQ.

9           Nevada Bar No. 13786

10          tim@morrislawcenter.com

11          5450 W. Sahara Ave., Suite 330

12          Las Vegas, NV 89103

13          Telephone: (702) 850-7798

14          Facsimile: (702) 850-7998

15          **MAINOR WIRTH, LLP**

16          BRADLEY S. MAINOR, ESQ.

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18          brad@mwinjury.com

19          ASHLEY MARIE BLACKBURN, ESQ.

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23          Las Vegas, Nevada 89148

24          Phone: (702) 464-5000

25          Facsimile: (702) 463-4440

26          **Counsel for Respondents; Robert Thompson and Tyron[e] Henderson:**

27          **HALL JAFFE CLAYTON**

28          STEVE T. JAFFE, ESQ.

            Nevada Bar No. 7035

            sjaffe@lawhjc.com

            CINDIE D. HERNANDEZ, ESQ.

            Nevada Bar No. 7218

            chernandez@lawhjc.com

            7425 Peak Drive

            Las Vegas, Nevada 89128

            Telephone: (702) 316-4111

            Fascimile: (702) 316-4114

            Respondent was represented in the district court by the above listed attorneys, and upon  
information and belief, will also be represented by the same attorneys on appeal.

1           **6.     WHETHER APPELLANT WAS REPRESENTED BY APPOINTED OR**  
2           **RETAINED COUNSEL IN THE DISTRICT COURT:**

3           Appellant was represented by retained counsel, Mainor Wirth, in the Eighth Judicial  
4 District Court Action.

5           **7.     RETAINED COUNSEL ON APPEAL:**

6           Appellant is represented by retained counsel, Morris Law Center and Mainor Wirth, on  
7 appeal.  
8

9           **8.     WHETHER APPELLANT WAS GRANTED LEAVE TO PROCEED IN**  
10          **FORMA PAUPERIS, AND THE DATE OF ENTRY OF THE DISTRICT**  
11          **COURT ORDER GRANTING SUCH LEAVE:**

12          Appellant has not moved for leave to file an appeal in forma pauperis.

13          **9.     INDICATE THE DATE THE PROCEEDINGS COMMENCED IN THE**  
14          **DISTRICT COURT:**

15          The Complaint in this matter was filed with the Eighth Judicial District Court on January  
16 23, 2019.  
17

18          **10.    PROVIDE A BRIEF DESCRIPTION OF THE NATURE OF THE ACTION**  
19          **AND RESULT:**  
20

21          This action focuses on whether Robert Thompson and Tyron[e] Henderson are liable for  
22 injuries sustained when there was a physical collision between Plaintiff and Defendant Tyron[e]  
23 Henderson's person, causing Plaintiff to fall down and require surgery. Upon hearing  
24 Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the  
25 Alternative, Motion for Summary Judgment and Defendant Robert Thompson's  
26 Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial  
27 Summary Judgment, the District Court dismissed Plaintiff's entire case based upon review  
28

1 of one surveillance video and without giving proper notice to Plaintiff. The Court also denied  
2 leave to amend minor defects in Plaintiff's Amended Complaint.

3 **11. PREVIOUS APPEAL OR WRIT PROCEEDING:**

4 This matter was not previously appealed.

5 **12. CHILD CUSTODY:**

6 This appeal does not involve child custody or visitation.

7 **13. POSSIBILITY OF SETTLEMENT:**

8 Settlement may be possible, and Appellant is prepared to negotiate in good faith.  
9 Appellant requests assignment to Settlement Program.

10 DATED this 22nd day of December, 2021.

11 **MAINOR WIRTH, LLP**

12  
13 By: /s/ Ash Marie Blackburn  
14 ASH MARIE BLACKBURN, ESQ.  
15 Nevada Bar No. 14712  
16 *Attorney for Plaintiff*  
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I hereby certify that on the 22nd day of December, 2021, I caused a true and correct copy of the foregoing **CASE APPEAL STATEMENT** to be served electronically, to all parties with an email address on record, as follows:

/s/ Lindsay Hayes

5

CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. A-19-787989-C

**Maria McMillin, Plaintiff(s)**  
**vs.**  
**7-Eleven, Inc, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 1**  
Judicial Officer: **Yeager, Bita**  
Filed on: **01/23/2019**  
Case Number History:  
Cross-Reference Case Number: **A787989**

CASE INFORMATION

**Statistical Closures**

11/23/2021 Summary Judgment

Case Type: **Negligence - Premises Liability**

Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Arbitration Exemption Granted**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number A-19-787989-C  
Court Department 1  
Date Assigned 01/04/2021  
Judicial Officer Yeager, Bita

PARTY INFORMATION

**Plaintiff**

**McMillin, Maria**

*Lead Attorneys*

**Mainor, Bradley S.**  
*Retained*  
702-464-5000(W)

**Defendant**

**7-Eleven, Inc**

**Roose, Melissa**  
*Retained*  
702-997-3800(W)

**Henderson, Tyron**

**Jaffe, Steven T.**  
*Retained*  
7023164111(W)

**Thompson, Robert**

**Jaffe, Steven T.**  
*Retained*  
7023164111(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

01/23/2019



Complaint  
Filed By: Plaintiff McMillin, Maria  
[1] Plaintiff's Complaint and Demand for Jury Trial

01/23/2019



Initial Appearance Fee Disclosure  
Filed By: Plaintiff McMillin, Maria  
[2] Initial Appearance Fee Disclosure (NRS Chapter 19)

02/20/2019



Summons Electronically Issued - Service Pending  
Party: Plaintiff McMillin, Maria  
[3] Summons

03/13/2019



Affidavit of Service  
[4] Affidavit of Service Upon Defendant 7-Eleven



CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

03/19/2019	 Answer to Complaint <i>[5] 7-Eleven's Answer to Plaintiff's Complaint</i>
03/19/2019	 Initial Appearance Fee Disclosure <i>[6] Initial Appearance Fee Disclosure</i>
03/19/2019	 Demand for Jury Trial <i>[7] Demand for Jury Trial</i>
03/19/2019	 Disclosure Statement <i>[8] 7-Eleven's Disclosure Statement</i>
03/21/2019	 Acceptance of Service <i>[9] 7-Eleven's AMENDED 7.1 Disclosure Statement</i>
04/08/2019	 Request for Exemption From Arbitration Filed by: Plaintiff McMillin, Maria <i>[10] Petition for Exemption From Arbitration</i>
04/22/2019	 Commissioners Decision on Request for Exemption - Granted <i>[11] Commissioner's Decision on Request for Exemption - GRANTED</i>
07/12/2019	 Stipulation and Order <i>[12] Stipulation and Order for Confidentiality and Protective Order</i>
07/12/2019	 Notice of Entry of Order <i>[13] Notice of Entry of Order</i>
08/13/2019	 Joint Case Conference Report Filed By: Plaintiff McMillin, Maria <i>[14] Joint Case Conference Report</i>
09/03/2019	 Order Scheduling Status Check <i>[15] Order Scheduling Status Check: For Mandatory Confernce Pursuant to Rule 16</i>
09/18/2019	 Order Scheduling Status Check <i>[16] Amended Order Scheduling Status Check: For Mandatory Pretrial Conference Pursuant to Rule 16</i>
10/08/2019	 <b>Mandatory Rule 16 Conference (1:00 PM)</b> (Judicial Officer: Bonaventure, Joseph T.) <i>Parties Present: Attorney   Roose, Melissa</i> <i>                          Attorney    Ganier, Ash M.</i>
10/10/2019	 Order <i>[17] Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial and Calendar Call Scheduling Order</i>
10/14/2019	 Amended Scheduling Order <i>[18] Amended Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial and Calendar Call Scheduling Order</i>
12/13/2019	 Stipulation and Order













CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

	Filed by: Plaintiff McMillin, Maria <i>[19] (12/13/19 DO NOT ENTER USJR - PENDING DEPT ANSWER) STIPULATION AND ORDER TO ALLOW PLAINTIFF TO AMEND COMPLAINT</i>
12/13/2019	 Notice of Entry of Order Filed By: Plaintiff McMillin, Maria <i>[20] NOTICE OF ENTRY OF STIPULATION AND ORDER TO ALLOW PLAINTIFF TO AMEND COMPLAINT</i>
01/14/2020	 Amended Complaint Filed By: Plaintiff McMillin, Maria <i>[21] PLAINTIFF S AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL</i>
01/23/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff McMillin, Maria <i>[22] SUMMONS</i>
01/23/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff McMillin, Maria <i>[23] SUMMONS</i>
03/16/2020	 Ex Parte Motion Filed By: Plaintiff McMillin, Maria <i>[24] Plaintiffs Ex Parte Motion For Stay Of Discovery Deadlines Pending Service Of Process On Newly Named Defendants And Supplemental Early Case Conference</i>
03/16/2020	 Affidavit of Service Filed By: Plaintiff McMillin, Maria <i>[25] Affidavit of Service Upon Defendant Tyron Henderson</i>
03/16/2020	 Affidavit of Service Filed By: Plaintiff McMillin, Maria <i>[26] Affidavit of Service upon Defendant Robert Thompson</i>
03/17/2020	 <b>Motion For Stay</b> (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Plaintiffs Ex Parte motion for stay of discovery deadlines pending service of process of newly named defendants and supplemental early case conference</i> <i>Parties Present: Attorney Ganier, Ash M.</i>
04/06/2020	 Answer to Amended Complaint Filed By: Defendant Thompson, Robert <i>[27] Defendants Answer to Plaintiff's Amended Complaint</i>
04/06/2020	 Initial Appearance Fee Disclosure <i>[28] Initial Appearance Fee Disclosure</i>
04/06/2020	 Demand for Jury Trial Filed By: Defendant Thompson, Robert <i>[29] Demand for Jury Trial</i>
04/07/2020	 Notice of Early Case Conference Filed By: Plaintiff McMillin, Maria <i>[30] Notice of Early Case Conference</i>
05/22/2020	

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

	 Supplemental Joint Case Conference Report Party: Plaintiff McMillin, Maria <i>[31] SUPPLEMENTAL JOINT CASE CONFERENCE REPORT</i>
07/09/2020	 Filing Fee Remittance Filed By: Defendant Henderson, Tyron <i>[32] Filing Fee Remittance</i>
09/16/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[33] Stipulation and Order to Extend Discovery Deadlines [First Request]</i>
09/17/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant 7-Eleven, Inc <i>[34] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines [First Request]</i>
09/24/2020	 Scheduling and Trial Order <i>[35] Scheduling Order and Order Setting Civil Jury Trial, Pre Trial and Calendar Call Scheduling order</i>
12/01/2020	<b>CANCELED Pre Trial Conference (9:00 AM)</b> (Judicial Officer: Kephart, William D.) <i>Vacated - Superseding Order</i>
12/15/2020	<b>CANCELED Calendar Call (9:00 AM)</b> (Judicial Officer: Kephart, William D.) <i>Vacated - Superseding Order</i>
01/04/2021	<b>CANCELED Jury Trial (1:00 PM)</b> (Judicial Officer: Kephart, William D.) <i>Vacated - Superseding Order</i>
01/04/2021	Case Reassigned to Department 1 <i>Judicial Reassignment to Judge Bitá Yeager</i>
01/21/2021	 Stipulation and Order Filed by: Defendant 7-Eleven, Inc; Defendant Henderson, Tyron <i>[36] Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>
01/21/2021	 Notice of Entry of Stipulation and Order Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[37] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines [Second Request]</i>
01/29/2021	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Defendant Thompson, Robert <i>[38] DEFENDANTS ROBERT THOMPSON and TYRON[E] HENDERSON S NRCP 16.1(a) (1) SECOND SUPPLEMENTAL DISCLOSURES AND NRCP 16.1(a)(3) PRETRIAL DISCLOSURES</i>
01/29/2021	 Amended Scheduling Order <i>[39] Amended Scheduling Order and Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference</i>
02/16/2021	 Notice of Change of Hearing <i>[40] Notice of Change of Hearing</i>
03/23/2021	 Stipulation and Order

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

	Filed by: Plaintiff McMillin, Maria <i>[41] Stipulation and Order Regarding NRCP 35 Examination of Plaintiff, Maria McMillin</i>
06/18/2021	 Stipulation and Order to Extend Discovery Deadlines <i>[42] Stipulation and Order to Extend Discovery (Third Request)</i>
06/22/2021	 Notice of Entry of Stipulation and Order <i>[43] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines [Third Request]</i>
06/29/2021	<b>CANCELED Pre Trial Conference</b> (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Stipulation and Order</i>
07/01/2021	 Notice of Hearing <i>[44] Notice of Hearing</i>
07/20/2021	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Stipulation and Order</i>
08/02/2021	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Stipulation and Order</i>
08/18/2021	 Affidavit of Service <i>[45] Affidavit/Declaration of Service John Baker, Ph.D., P.E.</i>
08/20/2021	 Affidavit of Service Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[46] Affidavit/Declaration of Service of Kirk Mendez, M.D./Bone &amp; Joint Specialists</i>
08/25/2021	 Affidavit of Service <i>[47] Affidavit/Declaration of Service of Craig Tingey, MD</i>
09/01/2021	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Defendant Thompson, Robert <i>[48] DEFENDANTS ROBERT THOMPSON and TYRON[E] HENDERSON S NRCP 16.1(a) (1) THIRD SUPPLEMENTAL DISCLOSURES AND NRCP 16.1(a)(3) PRETRIAL DISCLOSURES</i>
09/09/2021	 <b>Status Check: Trial Readiness</b> (8:30 AM) (Judicial Officer: Yeager, Bitia) <i>Parties Present: Attorney Hernandez, Cindie D. Attorney Ganier, Ash M.</i>
09/22/2021	 Motion for Summary Judgment Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[50] Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial Summary Judgment</i>
09/23/2021	 Clerk's Notice of Hearing <i>[51] Notice of Hearing</i>
09/23/2021	 Clerk's Notice of Hearing <i>[52] Notice of Hearing</i>
09/23/2021	 Ex Parte Motion Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

*[53] Ex Parte Motion to Strike Incorrectly Filed Document- Defendants Motion to File Under, Exhibit "B" to Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thomson's Motion for Judgment on the Pleadings, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial Summary Judgment on Order Shortening Time.*

09/24/2021



Order Granting Motion

Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron  
*[54] Order Granting Ex Parte Motion to Strike Incorrectly Filed Document*

09/24/2021



Clerk's Notice of Nonconforming Document

*[55] Clerk's Notice of Nonconforming Document*

09/24/2021



Filed Under Seal

Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron  
*[56] SEALED PER MINUTE ORDER 10/27/21 [56] Defendants Motion to File Under Seal, Exhibit B to Defendant Tyron(e) Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or, in the Alternative, Motion for Partial Summary Judgment on Order Shortening Time*

09/28/2021



Stipulation and Order

Filed by: Plaintiff McMillin, Maria  
*[57] Stipulation and Order to Extend Motions in Limine Deadline*

09/28/2021



Notice of Entry

Filed By: Plaintiff McMillin, Maria  
*[58] Notice of Entry of Stipulation and Order to Extend Motions in Limine Deadline*

09/29/2021



Stipulation and Order

Filed by: Defendant Thompson, Robert; Defendant Henderson, Tyron  
*[59] Stipulation and Order to Continue Trial*

09/29/2021



Amended Scheduling Order

*[60] Amended Scheduling Order and Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference*

10/01/2021



Notice of Entry of Stipulation and Order

*[61] Notice of Entry of Stipulation and Order to Continue Trial*

10/06/2021



Opposition and Countermotion

Filed By: Plaintiff McMillin, Maria  
*[62] Plaintiff's Opposition to Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial Summary Judgment and Countermotion for Leave to Amend Plaintiff's Complaint*

10/20/2021



Reply in Support

Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron  
*[63] Defendants' Reply in Support of Motion for Judgment on Pleadings, or in the alternative, Motion for Summary Judgment and Opposition to Countermotion for Leave to Amend Plaintiff's Complaint*

10/25/2021







**Status Check: Trial Readiness (10:00 AM)** (Judicial Officer: Cherry, Michael A.)

*Parties Present: Attorney Jaffe, Steven T.*

CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

Attorney Guindy, Joseph W

10/27/2021	<b>Motion to Seal/Redact Records (9:30 AM)</b> (Judicial Officer: Cherry, Michael A.) <i>Defendants Motion to File Under Seal, Exhibit "B" to Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment on Order Shortening Time</i>
10/27/2021	<b>Motion for Judgment (9:30 AM)</b> (Judicial Officer: Cherry, Michael A.) <i>Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial Summary Judgment</i>
10/27/2021	<b>Opposition and Countermotion (9:30 AM)</b> (Judicial Officer: Cherry, Michael A.) Events: 10/06/2021 Opposition and Countermotion <i>Plaintiff's Opposition to Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Partial Summary Judgment and Countermotion for Leave to Amend Plaintiff's Complaint</i>
10/27/2021	 <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Cherry, Michael A.) <i>ALL PENDING - DEFENDANTS MOTION TO FILE UNDER SEAL, EXHIBIT "B" TO DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME... DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT... PLAINTIFF'S OPPOSITION TO DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTERMOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT</i> <i>Parties Present: Attorney Jaffe, Steven T.</i> <i>Attorney Ganier, Ash M.</i>
10/28/2021	 <b>Recorders Transcript of Hearing</b> <i>[64] Recorder's Transcript Re: Miscellaneous Motions 10-27-21</i>
11/04/2021	<b>CANCELED Calendar Call (8:30 AM)</b> (Judicial Officer: Yeager, Bita) <i>Vacated</i>
11/04/2021	<b>CANCELED Pretrial/Calendar Call (8:30 AM)</b> (Judicial Officer: Yeager, Bita) <i>Vacated</i>
11/15/2021	<b>CANCELED Jury Trial (1:30 PM)</b> (Judicial Officer: Yeager, Bita) <i>Vacated</i>
11/22/2021	 <b>Order Granting</b> Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[65] Order Granting Motion to File under Seal, Exhibit B As to Defendant Tyron [E] Henderson's Motion for Judgment on the Pleadings, Or in the Alternative, Motion for Summary Judgment</i>
11/22/2021	 <b>Order Granting</b> Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[66] Order Granting Motion To File Under Seal, Exhibit B As To Defendant Robert Thompson's Motion For Judgment On The Pleadings, Or In The Alternative, Motion For</i>




CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

*Summary Judgment*

11/23/2021	 Notice of Entry <i>[67] Notice of Entry of Order Granting Motion to File Underseal, Exhibit "B" as to Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment</i>
11/23/2021	 Notice of Entry <i>[68] Notice of Entry of Order Granting Motion to File Underseal, Exhibit "B" as to Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment</i>
11/23/2021	 Order Granting Summary Judgment <i>[69] Order Granting Defendant Tyron Henderson's Motion for Judgment on the Pleadings or in the Alternative Motion for Summary Judgment and Order Granting Defendant Robert Thompson's Motion for Judgment on the Pleadings or in the Alternative Motion for Summary Judgment and Order Denying Plaintiff's Countermotion to Amend Complaint</i>
11/23/2021	 Notice of Entry of Order <i>[70] Notice of Entry of Order Granting Defendant Tyron[e] Henderson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Order Granting Defendant Robert Thompson's Motion for Judgment on the Pleadings, or in the Alternative, Motion for Summary Judgment and Order Denying Plaintiff's Countermotion to Amend Complaint</i>
11/23/2021	<b>Summary Judgment</b> (Judicial Officer: Yeager, Bita) Debtors: Maria McMillin (Plaintiff) Creditors: Robert Thompson (Defendant), Tyron Henderson (Defendant) Judgment: 11/23/2021, Docketed: 11/24/2021
11/29/2021	 Motion for Costs Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[71] Defendants, Robert Thompson and Tyron[e] Henderson's Motion for Costs</i>
11/29/2021	 Appendix Filed By: Defendant Thompson, Robert; Defendant Henderson, Tyron <i>[72] Appendix of Exhibits to Defendants, Robert Thompson and Tyron[e] Henderson's, Motion for Costs</i>
12/01/2021	 Clerk's Notice of Hearing <i>[73] Notice of Hearing</i>
12/13/2021	 Opposition to Motion Filed By: Plaintiff McMillin, Maria <i>[74] A-19-787989-C</i>
12/14/2021	 Motion to Amend Judgment Filed By: Plaintiff McMillin, Maria <i>[75] Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59</i>
12/16/2021	 Clerk's Notice of Hearing <i>[76] Notice of Hearing</i>
12/20/2021	<b>CANCELED Pretrial/Calendar Call (10:00 AM)</b> (Judicial Officer: Yeager, Bita) <i>Vacated</i>



CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. A-19-787989-C**

12/20/2021	 Notice of Change of Hearing <i>[77] Notice of Change of Hearing</i>
12/22/2021	 Case Appeal Statement Filed By: Plaintiff McMillin, Maria <i>[78] CASE APPEAL STATEMENT</i>
12/22/2021	 Notice of Appeal Filed By: Plaintiff McMillin, Maria <i>[79] Notice of Appeal</i>
01/03/2022	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Yeager, Bita) <i>Vacated</i>
01/12/2022	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Yeager, Bita) <i>Vacated</i> <i>JURY TRIAL FIRM - #2 ON THE STACK</i>
02/02/2022	<b>Motion for Costs</b> (9:30 AM) (Judicial Officer: Yeager, Bita) <i>Defendants, Robert Thompson and Tyron[e] Henderson's Motion for Costs</i>
02/02/2022	<b>Motion</b> (9:30 AM) (Judicial Officer: Yeager, Bita) <i>Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59</i>

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> 7-Eleven, Inc	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 12/27/2021</b>	<b>0.00</b>
<b>Defendant</b> Henderson, Tyron	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/27/2021</b>	<b>0.00</b>
<b>Defendant</b> Thompson, Robert	
Total Charges	423.00
Total Payments and Credits	423.00
<b>Balance Due as of 12/27/2021</b>	<b>0.00</b>
<b>Plaintiff</b> McMillin, Maria	
Total Charges	294.00
Total Payments and Credits	294.00
<b>Balance Due as of 12/27/2021</b>	<b>0.00</b>



## DISTRICT COURT CIVIL COVER SHEET

Department 19

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):  MARIA MCMILLIN	Defendant(s) (name/address/phone):  7-ELEVEN, INC. DOE EMPLOYEE DOES I-XX ROE CORPORATIONS I-XX
Attorney (name/address/phone):  Bradley S. Mainor, Esq.; Ash Marie Ganier, Esq. MAINOR WIRTH, LLP 6018 S. Ft. Apache Road, Ste 150; Las Vegas, NV 89148 (702) 464-5000; Fax: (702) 463-4440	Attorney (name/address/phone):  N/A

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

January 22, 2019

Date

/s/ Ash Marie Ganier

Signature of initiating party or representative

See other side for family-related case filings.

OGSJ

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

MARIA MCMILLIN, an individual,

Plaintiff,

vs.

ROBERT THOMPSON; Individually  
and as Franchisee; TYRON  
HENDERSON, Individually; DOES I-  
XX, inclusive; and ROE  
CORPORATIONS I - XX, inclusive,

Defendants.

Case No.: A-19-787989-C  
Department: 1

**ORDER GRANTING DEFENDANT  
TYRON[E] HENDERSON'S MOTION FOR  
JUDGMENT ON THE PLEADINGS, OR IN  
THE ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

**AND**

**ORDER GRANTING DEFENDANT ROBERT  
THOMPSON'S MOTION FOR JUDGMENT  
ON THE PLEADINGS, OR IN THE  
ALTERNATIVE, MOTION FOR SUMMARY  
JUDGMENT**

**AND**

**ORDER DENYING PLAINTIFF'S  
COUNTERMOTION TO AMEND  
COMPLAINT**

**HEARING DATE: October 27, 2021  
HEARING TIME: 9:30 A.M.**

On October 27, 2021, the hearing was conducted on Defendant TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT – and – DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT – and – COUNTERMOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT, with Steven T. Jaffe, Esq., appearing on behalf of the Defendants, and Ash Marie Blackburn, Esq., appearing on behalf of the Plaintiff, the matter having been fully briefed and all supporting materials been reviewed, and having heard oral argument

1 by counsel, the court hereby makes the following findings of fact and conclusions of law pursuant to  
2 NRCP 56(c), the standard of review afforded to the Defendants' motion:

3 **I.**

4 **FINDINGS OF FACT**

5 1. On September 17, 2017, Plaintiff Maria McMillin and Defendant Tyron[e]  
6 Henderson were involved in an incident at a 7-Eleven, Inc. store, owned and operated by  
7 Defendant Robert Thompson, when they accidentally bumped into each other.

8 2. Their incident was recorded on video surveillance footage through equipment  
9 of Mr. Thompson and 7-Eleven, Inc., the authenticity of which the parties do not dispute,  
10 and which was considered by the court when entertaining argument herein.

11 3. Plaintiff learned of Defendant Tyron[e] Henderson's true identity, and correct  
12 name spelling, on July 18, 2019.

13 4. Their incident is the subject of the litigation as set forth in Plaintiff's First  
14 Amended Complaint.

15 5. Plaintiff's First Amended Complaint contains two causes of action for  
16 negligence and negligent hiring, retention and supervision.

17 6. Plaintiff's First Cause of Action, however, includes no allegations regarding  
18 any duty(ies) owed by either Mr. Thompson or Mr. Henderson to Plaintiff.

19 7. Plaintiff's First Cause of Action includes no allegations that either Mr.  
20 Thompson or Mr. Henderson breached any duty(ies) to Plaintiff.

21 8. Plaintiff's First Cause of Action includes no allegations that Plaintiff's injuries  
22 were legally caused by the breaches of the duty(ies).

23 9. Mr. Henderson is Mr. Thompson's employee, not an employee of 7-Eleven,  
24 Inc. as plead by the Plaintiff.

25 10. The deadline to amend pleadings expired on April 22, 2021.

26 11. Plaintiff did not move for leave to further amend her pleadings by the April 22,  
27 2021, deadline as required by court order.  
28

II.

CONCLUSIONS OF LAW

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

1. Under NRCP 56(c), summary judgment is appropriate when “after a review of the record viewed in a light most favorable to the nonmoving party, there remains no issues of material fact.” *Barmettler v. Reno Air, Inc.*, 114 Nev. 441, 444, 956 P.2d 1382, 1385 (1998), citing *Butler v. Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663 (1985).

2. Summary judgment will be granted “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” NRCP 56(c); see also *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1030-31 (2005), quoting *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002).

3. Under *Sadler v. PacifiCare of Nev.*, “in order to state a claim for negligence a plaintiff must allege that (1) the defendant owed the plaintiff a duty of care, (2) the defendant breached that duty, (3) the breach was the legal cause of the plaintiff's injuries, and (4) the plaintiff suffered damages.” 130 Nev. 990, 995, 340 P.3d 1264, 1265 (2014).

4. In Plaintiff's Amended Complaint, there are no allegations in the first Cause of Action, that the Defendants owed the Plaintiff a duty of care, or that they breached that duty. See Amended Complaint, 3-4.

5. Having reviewed the accident video footage in the light most favorable to the Plaintiff, the court finds that there is no genuine dispute as to any material fact and the Defendants are entitled to judgment as a matter of law, because no duty of care was owed or breached by the Defendants to the Plaintiff.

PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND COMPLAINT

1. A court's standard for review when considering a counter motion is one for an abuse of discretion. *Coronado Med. Center Owners Ass'n v. United Ins. Co. of America*,

2020 WL 6882719 \*1, \*2, No. 77943, No. 78477 (Nev., Nov. 23, 2020)(unpublished).

2. NRCP 15(a) and 16(b) govern a party’s request for leave to amend pleadings where the requested amendment concerns one brought after all discovery deadlines have expired. *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 281, 357 P.3d 966, 968 (Nev. App. 2015).

3. In those instances, the party seeking the amendment must first demonstrate “good cause” for missing the deadlines under Rule 16(b). *Id.* Only after a finding of good cause is made under Rule 16(b), may this court next consider whether the amendment proposed under Rule 15(a) is appropriate. *Id.*

4. To determine whether “good cause” exists under Rule 16(b), “the basic inquiry for the trial court is whether the filing deadline cannot reasonably be met despite the diligence of the party seeking the amendment.” *Nutton*, 131 Nev. at, 286–87, 357 P.3d at 971. Establishing good cause following the expiration of the deadline established by the scheduling order requires stringent analysis under Rule 16(b). *Hernandez v. Creative Concepts, Inc.* 295 F.R.D. 500, 505 (D. Nev. 2013).

5. In moving for leave to amend her First Amended Complaint, Plaintiff did not demonstrate good cause under Rule 16(b) to support her leave to amend her pleadings because she did not explain her untimely conduct, the importance of the requested untimely action, the potential prejudice in allowing the untimely conduct, and the availability of a continuance to cure the prejudice by allowing the amendment.

6. Because the predicate analysis showing good cause under Rule 16(a) was not demonstrated by the Plaintiff to support her leave to amend, no Rule 15(a) analysis was undertaken by the court, nor was it required.

7. In addition, a party in possession of information in advance of the amendment deadline, and does nothing to cure the pleading deficiency before the deadline expires, should not be granted leave to amend. *Nutton*, at 286-87, 357 P.3d at 971-72, citing *Perfect Pearl*, 889 F.Supp.2d at 457.

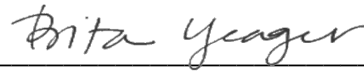
//

1           **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, that Defendant  
2 Tyron[e] Henderson's and Defendant Robert Thompson's Motion for Judgment on the  
3 Pleadings or in the Althernative Motion for Summary Judgment is **GRANTED**.

4           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that Plaintiff Maria  
5 McMillin's Countermotion to Amend Complaint is **DENIED**.

6  
7  
8           IT IS SO ORDERED.

Dated this 23rd day of November, 2021



A78 99B F2A8 95C9  
Bita Yeager  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Maria McMillin, Plaintiff(s)

CASE NO: A-19-787989-C

7 vs.

DEPT. NO. Department 1

8 7-Eleven, Inc, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 11/23/2021

15 Joseph Wirth

joe@mwinjury.com

16 Ash Ganier

ash@mwinjury.com

17 Bradley Mainor

brad@mwinjury.com

18 Lindsay Hayes

Lindsay@mwinjury.com

19 Andrea Navarro

andrea@mwinjury.com

20 Cindie Hernandez

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21 Natalie Cothran

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24 Joseph Guindy

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25 Kathy Hernandez

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26  
27  
28

Gregory Scott

gscott@lawhjc.com

Erika Parker

eparker@lawhjc.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 11/24/2021

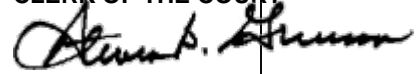
Melissa Roose

Resnick & Louis, P.C.  
Attn: Melissa Roose, Esq.  
8925 W. Russell Road, Suite 220  
Las Vegas, NV, 89148

Steven Jaffe

Hall Jaffe & Clayton , LLP  
Attn: Steven Jaffe  
7425 Peak Drive  
Las Vegas, NV, 89128





1 **NEO**  
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8 **HALL JAFFE & CLAYTON, LLP**  
9 7425 Peak Drive  
10 Las Vegas, Nevada 89128  
11 (702) 316-4111  
12 Fax (702) 316-4114

13 *Attorneys for Defendants*  
14 *Robert Thompson and Tyrone Henderson*

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

17 MARIA MCMILLIN , an individual,  
18  
19 Plaintiff,

20 v.

21 ROBERT THOMPSON; Individually and as  
22 Franchisee; TYRON HENDERSON,  
23 Individually; DOES I-XX, inclusive; and ROE  
24 CORPORATIONS I - XX, inclusive,  
25 Defendants.

CASE NO. A-19-787989-C  
DEPT. NO. 1

**NOTICE OF ENTRY:**

**ORDER GRANTING DEFENDANT  
TYRON[E] HENDERSON'S MOTION  
FOR JUDGMENT ON THE  
PLEADINGS, OR IN THE  
ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

**AND**

**ORDER GRANTING DEFENDANT  
ROBERT THOMPSON'S MOTION  
FOR JUDGMENT ON THE  
PLEADINGS, OR IN THE  
ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

**AND**

**ORDER DENYING PLAINTIFF'S  
COUNTERMOTION TO AMEND  
COMPLAINT**

1 TO: ALL PARTIES ABOVE-NAMED; and

2 TO: THEIR RESPECTIVE ATTORNEYS OF RECORD.

3 PLEASE TAKE NOTICE that an ORDER GRANTING DEFENDANT TYRON[E]  
4 HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE  
5 ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND ORDER GRANTING  
6 DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE  
7 PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT,  
8 AND ORDER DENYING PLAINTIFF'S COUNTERMOTION TO AMEND COMPLAINT  
9 was entered on November 23, 2021, a copy of which is attached hereto.

10 DATED this 23rd day of November, 2021.

11  
12 HALL JAFFE & CLAYTON, LLP

13 By: /s/ Cindie D. Hernandez, Esq.  
14 STEVEN T. JAFFE, ESQ.  
15 Nevada Bar No. 7035  
16 CINDIE D. HERNANDEZ, ESQ.  
17 Nevada Bar No. 7218  
18 7425 Peak Drive  
19 Las Vegas, Nevada 89128  
20 *Attorney for Defendants Robert*  
21 *Thompson and Tyrone Henderson*  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of **HALL JAFFE &**  
3 **CLAYTON, LLP**, and on this 23rd day of November, 2021, I served a copy of the foregoing  
4 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT TYRON[E]**  
5 **HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE**  
6 **ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND ORDER**  
7 **GRANTING DEFENDANT ROBERT THOMSPON'S MOTION FOR JUDGMENT ON**  
8 **THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY**  
9 **JUDGMENT, AND ORDER DENYING PLAINTIFF'S COUNTERMOTION TO**  
10 **AMEND COMPLAINT** as follows:

- 11 ☐ **U.S. MAIL** — By depositing a true copy thereof in the U.S. Mail, first class postage  
12 prepaid and addressed as listed below; and/or  
13 ☐ **FACSIMILE** — By facsimile transmission to the facsimile number(s) shown below;  
14 and/or  
15 ☐ **HAND DELIVERY** — By hand-delivery to the addresses listed below; and/or  
16 ☒ **ELECTRONIC SERVICE** — Pursuant to the Court's CM/ECF e-filing  
17 system.

18 Bradley S. Mainor, Esq.  
19 Joseph J. Wirth, Esq.  
20 Ash Marie Blackburn, Esq.  
21 Joseph W. Guindy, Esq.  
22 MAINOR WIRTH, LLP  
23 6018 S. Fort Apache Rd. Ste. 150  
24 Las Vegas, NV 89148  
25 *Attorneys for Plaintiff*

26 /s/ Jamie Soquena  
27 An Employee of  
28 HALL JAFFE & CLAYTON, LLP

OGSJ

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

MARIA MCMILLIN, an individual,

Plaintiff,

vs.

ROBERT THOMPSON; Individually  
and as Franchisee; TYRON  
HENDERSON, Individually; DOES I-  
XX, inclusive; and ROE  
CORPORATIONS I - XX, inclusive,

Defendants.

Case No.: A-19-787989-C  
Department: 1

**ORDER GRANTING DEFENDANT  
TYRON[E] HENDERSON'S MOTION FOR  
JUDGMENT ON THE PLEADINGS, OR IN  
THE ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT**

**AND**

**ORDER GRANTING DEFENDANT ROBERT  
THOMPSON'S MOTION FOR JUDGMENT  
ON THE PLEADINGS, OR IN THE  
ALTERNATIVE, MOTION FOR SUMMARY  
JUDGMENT**

**AND**

**ORDER DENYING PLAINTIFF'S  
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COMPLAINT**

**HEARING DATE: October 27, 2021  
HEARING TIME: 9:30 A.M.**

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1 by counsel, the court hereby makes the following findings of fact and conclusions of law pursuant to  
2 NRCP 56(c), the standard of review afforded to the Defendants' motion:

3 **I.**

4 **FINDINGS OF FACT**

5 1. On September 17, 2017, Plaintiff Maria McMillin and Defendant Tyron[e]  
6 Henderson were involved in an incident at a 7-Eleven, Inc. store, owned and operated by  
7 Defendant Robert Thompson, when they accidentally bumped into each other.

8 2. Their incident was recorded on video surveillance footage through equipment  
9 of Mr. Thompson and 7-Eleven, Inc., the authenticity of which the parties do not dispute,  
10 and which was considered by the court when entertaining argument herein.

11 3. Plaintiff learned of Defendant Tyron[e] Henderson's true identity, and correct  
12 name spelling, on July 18, 2019.

13 4. Their incident is the subject of the litigation as set forth in Plaintiff's First  
14 Amended Complaint.

15 5. Plaintiff's First Amended Complaint contains two causes of action for  
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17 6. Plaintiff's First Cause of Action, however, includes no allegations regarding  
18 any duty(ies) owed by either Mr. Thompson or Mr. Henderson to Plaintiff.

19 7. Plaintiff's First Cause of Action includes no allegations that either Mr.  
20 Thompson or Mr. Henderson breached any duty(ies) to Plaintiff.

21 8. Plaintiff's First Cause of Action includes no allegations that Plaintiff's injuries  
22 were legally caused by the breaches of the duty(ies).

23 9. Mr. Henderson is Mr. Thompson's employee, not an employee of 7-Eleven,  
24 Inc. as plead by the Plaintiff.

25 10. The deadline to amend pleadings expired on April 22, 2021.

26 11. Plaintiff did not move for leave to further amend her pleadings by the April 22,  
27 2021, deadline as required by court order.  
28

II.

CONCLUSIONS OF LAW

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

1. Under NRCP 56(c), summary judgment is appropriate when “after a review of the record viewed in a light most favorable to the nonmoving party, there remains no issues of material fact.” *Barmettler v. Reno Air, Inc.*, 114 Nev. 441, 444, 956 P.2d 1382, 1385 (1998), citing *Butler v. Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663 (1985).

2. Summary judgment will be granted “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” NRCP 56(c); see also *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1030-31 (2005), quoting *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002).

3. Under *Sadler v. PacifiCare of Nev.*, “in order to state a claim for negligence a plaintiff must allege that (1) the defendant owed the plaintiff a duty of care, (2) the defendant breached that duty, (3) the breach was the legal cause of the plaintiff's injuries, and (4) the plaintiff suffered damages.” 130 Nev. 990, 995, 340 P.3d 1264, 1265 (2014).

4. In Plaintiff's Amended Complaint, there are no allegations in the first Cause of Action, that the Defendants owed the Plaintiff a duty of care, or that they breached that duty. See Amended Complaint, 3-4.

5. Having reviewed the accident video footage in the light most favorable to the Plaintiff, the court finds that there is no genuine dispute as to any material fact and the Defendants are entitled to judgment as a matter of law, because no duty of care was owed or breached by the Defendants to the Plaintiff.

PLAINTIFF'S COUNTERMOTION FOR LEAVE TO AMEND COMPLAINT

1. A court's standard for review when considering a counter motion is one for an abuse of discretion. *Coronado Med. Center Owners Ass'n v. United Ins. Co. of America*,

2020 WL 6882719 \*1, \*2, No. 77943, No. 78477 (Nev., Nov. 23, 2020)(unpublished).

2. NRCP 15(a) and 16(b) govern a party’s request for leave to amend pleadings where the requested amendment concerns one brought after all discovery deadlines have expired. *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 281, 357 P.3d 966, 968 (Nev. App. 2015).

3. In those instances, the party seeking the amendment must first demonstrate “good cause” for missing the deadlines under Rule 16(b). *Id.* Only after a finding of good cause is made under Rule 16(b), may this court next consider whether the amendment proposed under Rule 15(a) is appropriate. *Id.*

4. To determine whether “good cause” exists under Rule 16(b), “the basic inquiry for the trial court is whether the filing deadline cannot reasonably be met despite the diligence of the party seeking the amendment.” *Nutton*, 131 Nev. at, 286–87, 357 P.3d at 971. Establishing good cause following the expiration of the deadline established by the scheduling order requires stringent analysis under Rule 16(b). *Hernandez v. Creative Concepts, Inc.* 295 F.R.D. 500, 505 (D. Nev. 2013).

5. In moving for leave to amend her First Amended Complaint, Plaintiff did not demonstrate good cause under Rule 16(b) to support her leave to amend her pleadings because she did not explain her untimely conduct, the importance of the requested untimely action, the potential prejudice in allowing the untimely conduct, and the availability of a continuance to cure the prejudice by allowing the amendment.

6. Because the predicate analysis showing good cause under Rule 16(a) was not demonstrated by the Plaintiff to support her leave to amend, no Rule 15(a) analysis was undertaken by the court, nor was it required.

7. In addition, a party in possession of information in advance of the amendment deadline, and does nothing to cure the pleading deficiency before the deadline expires, should not be granted leave to amend. *Nutton*, at 286-87, 357 P.3d at 971-72, citing *Perfect Pearl*, 889 F.Supp.2d at 457.

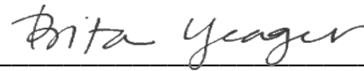
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1           **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, that Defendant  
2 Tyron[e] Henderson's and Defendant Robert Thompson's Motion for Judgment on the  
3 Pleadings or in the Althernative Motion for Summary Judgment is **GRANTED**.

4           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that Plaintiff Maria  
5 McMillin's Countermotion to Amend Complaint is **DENIED**.

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8           IT IS SO ORDERED.

Dated this 23rd day of November, 2021

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11           **A78 99B F2A8 95C9**  
12           **Bita Yeager**  
13           **District Court Judge**  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Maria McMillin, Plaintiff(s)

CASE NO: A-19-787989-C

7 vs.

DEPT. NO. Department 1

8 7-Eleven, Inc, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 11/23/2021

15 Joseph Wirth

joe@mwinjury.com

16 Ash Ganier

ash@mwinjury.com

17 Bradley Mainor

brad@mwinjury.com

18 Lindsay Hayes

Lindsay@mwinjury.com

19 Andrea Navarro

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20 Cindie Hernandez

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21 Natalie Cothran

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22 Krysta Wheeler

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23 Jamie Soquena

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24 Joseph Guindy

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25 Kathy Hernandez

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26  
27  
28

Gregory Scott

gscott@lawhjc.com

Erika Parker

eparker@lawhjc.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 11/24/2021

Melissa Roose

Resnick & Louis, P.C.  
Attn: Melissa Roose, Esq.  
8925 W. Russell Road, Suite 220  
Las Vegas, NV, 89148

Steven Jaffe

Hall Jaffe & Clayton , LLP  
Attn: Steven Jaffe  
7425 Peak Drive  
Las Vegas, NV, 89128

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**October 08, 2019**

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A-19-787989-C      Maria McMillin, Plaintiff(s)  
vs.  
7-Eleven, Inc, Defendant(s)

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**October 08, 2019      1:00 PM      Mandatory Rule 16  
Conference**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Ganier, Ash M.      Attorney  
Roose, Melissa      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding scheduling. Court noted trial anticipated to last 7-10 days. COURT ORDERED, the following discovery schedule;

Motions to amend parties and/or add parties TO BE FILED by 3/06/2020;

Initial expert disclosures DUE on or before 3/06/2020;

Rebuttal expert disclosures DUE on or before 4/05/2020;

Discovery cut-off SET for 6/04/2020;

Deposition cut-off SET for 6/04/2020;.

Dispositive motions TO BE FILED by 7/06/2020;

Motions in Limine TO BE FILED by 9/02/2020;

Parties shall participate in a settlement conference on or before 4/05/2020; and

Pre Trial Memorandum DUE on or before 12/08/2020.

FURTHER ORDERED, matter SET for trial and Trial Order shall issue.

12/01/2020 9:00 AM PRE TRIAL CONFERENCE .

12/15/2020 9:00 AM CALENDAR CALL

1/04/2021 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**March 17, 2020**

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A-19-787989-C	Maria McMillin, Plaintiff(s) vs. 7-Eleven, Inc, Defendant(s)
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<b>March 17, 2020</b>	<b>9:00 AM</b>	<b>Motion For Stay</b>
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<b>HEARD BY:</b> Kephart, William D.	<b>COURTROOM:</b> RJC Courtroom 16B
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**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ganier, Ash M.	Attorney
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**JOURNAL ENTRIES**

- Ms. Ganier advised Plaintiff is no longer proceeding against Defendant 7 - 11 and since filing motion her office was able to personally serve the two individually named Defendants. Further, Ms. Ganier advised she will possibly submit a stipulation to extend discovery deadlines and moving the trial date. Court instructed Ms. Ganier to submit the stipulation and order for review. COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**September 09, 2021**

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A-19-787989-C	Maria McMillin, Plaintiff(s) vs. 7-Eleven, Inc, Defendant(s)
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**September 09, 2021     8:30 AM**

**Status Check: Trial  
Readiness**

**HEARD BY:** Yeager, Bita

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Rem Lord

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ganier, Ash M. Hernandez, Cindie D.	Attorney Attorney
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**JOURNAL ENTRIES**

- Parties announced ready for trial and stated they anticipated to try their case in six to nine days including voir dire. Colloquy regarding the parties potentially attending a settlement conference. COURT ORDERED, trial SET on the last week of the stack.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**October 25, 2021**

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A-19-787989-C	Maria McMillin, Plaintiff(s)
	vs.
	7-Eleven, Inc, Defendant(s)

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October 25, 2021	10:00 AM	Status Check: Trial Readiness
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**HEARD BY:** Cherry, Michael A. **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Guindy, Joseph W	Attorney
	Jaffe, Steven T.	Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, Trial Date SET as a Firm date. Counsel advised seven days for trial with voir dire.

12/20/21 10:00 AM PRETRIAL/CALENDAR CALL

1/12/22 9:00 AM JURY TRIAL - FIRM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**October 27, 2021**

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A-19-787989-C	Maria McMillin, Plaintiff(s) vs. 7-Eleven, Inc, Defendant(s)
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**October 27, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Michele Tucker

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ganier, Ash M. Jaffe, Steven T.	Attorney Attorney
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**JOURNAL ENTRIES**

- ALL PENDING - DEFENDANTS MOTION TO FILE UNDER SEAL, EXHIBIT "B" TO DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME... DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT... PLAINTIFF'S OPPOSITION TO DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTERMOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT



Mr. Jaffe advised a confidential document was filed with the motion COURT ORDERED, Defendants Motion To File Under Seal, Exhibit "B" To Defendant Tyron[E] Henderson's Motion For Judgment On The Pleadings, Or In The Alternative, Motion For Summary Judgment And Defendant Robert Thompson's Motion For Judgment On The Pleadings, Or In The Alternative, Motion For Summary Judgment On Order Shortening Time GRANTED.

Mr. Jaffe argued the plaintiff has a duty in their pleadings to plead the allegation and the tort. Plaintiff has not properly identified the parties and the deadline to amend the pleading has passed. Mr. Jaffe further argued the plaintiff has not identified the cause or the duty. Ms. Blackburn argued as to a clerical error and this being a notice pleading state. Ms. Blackburn further argued they only need to exchange the information in the complaint. Court STATED it is treating this as a motion for summary judgment and it had reviewed the video and it does not see this case going forward. COURT ORDERED, Defendant Tyron[E] Henderson's Motion For Judgment On The Pleadings, Or In The Alternative, Motion For Summary Judgment And Defendant Robert Thompson's Motion For Judgment On The Pleadings, Or In The Alternative, Motion For Partial Summary Judgment GRANTED.

COURT FURTHER ORDERED, Plaintiff's Countermotion for Leave to Amend DENIED.

CASE CLOSED

Mr. Jaffe to prepare the Order.



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

**BRADLEY S. MAINOR, ESQ.**  
**6018 S. FORTE APACHE, STE 150**  
**LAS VEGAS, NV 89148**

**DATE: December 27, 2021**  
**CASE: A-19-787989-C**

**RE CASE:** MARIA MCMILLIN vs. ROBERT THOMPSON; TYRON HENDERSON

NOTICE OF APPEAL FILED: December 22, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND ORDER GRANTING DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND ORDER DENYING PLAINTIFF'S COUNTERMOTION TO AMEND COMPLAINT; NOTICE OF ENTRY: ORDER GRANTING DEFENDANT TYRON[E] HENDERSON'S MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND ORDER GRANTING DEFENDANT ROBERT THOMPSON'S MOTION FOR JUDGMENT ON THE PLEADING, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND ORDER DENYING PLAINTIFF'S COUNTERMOTION TO AMEND COMPLAINT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MARIA MCMILLIN,

Plaintiff(s),

vs.

ROBERT THOMPSON; TYRON  
HENDERSON,

Defendant(s),

Case No: A-19-787989-C

Dept No: I

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 27 day of December 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

