

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

NATIONSBUILDERS INSURANCE)
SERVICES, INC., a foreign corporation;)
NBIS CONSTRUCTION & TRANSPORT)
INSURANCE SERVICES, INC., a foreign)
corporation;)

Petitioners,)

vs.)

THE EIGHTH JUDICIAL DISTRICT)
COURT of the State of Nevada, in and for the)
County of Clark; and THE HONORABLE)
MARK R. DENTON, District Judge;)

Respondents.)

DIANE SANCHEZ;)

Real Party in Interest.)

Electronically Filed
Feb 14 2022 08:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
District Court Case No.
A-19-805351-C

PETITIONER'S APPENDIX
(VOLUME IV OF V)

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Construction & Transport Services, Inc.*

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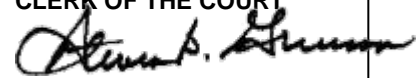
VOL	DOC. NO.	DATE	DESCRIPTION	PAGE NOS.
IV	14	2021-10-08	Amended Notice of Appeal	NBIS000658- NBIS000750
II	5	2019-11-13	Complaint	NBIS000255- NBIS000264
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I	2	2016-04-01	Default on Defendant Blas Bon	NBIS000006- NBIS000009
III	10	2021-07-22	Defendant NationsBuilders Insurance Services, Inc., and NBIS Construction & Transport Insurance Services, Inc.'s Motion to Dismiss Second Amended Complaint, or in the Alternative, Motion to Stay Proceedings	NBIS000455- NBIS000644
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V	19	2021-11-24	Defendant NationsBuilders Insurance Services, Inc., and NBIS Construction & Transport Insurance Services, Inc.'s Reply in Support of Renewed Motion to Stay Proceedings	NBIS001029- NBIS001037
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V	24	2022-02-01	Notice of Entry and Order Granting in Part and Denying in Part, Defendant NationsBuilders	NBIS001105- NBIS001117

			Insurance Services, Inc., and NBIS Construction & Transport Insurance Services, Inc.'s Renewed Motion to Stay Proceedings Pursuant to NRCP 60(b)(6), or Alternatively, EDCR 2.24(b) on an Order Shortening	
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V	17	2021-11-04	Plaintiff Diane Sanchez's Opposition to Defendant NationsBuilders Insurance Services, Inc., and NBIS Construction & Transport Insurance Services, Inc.'s Renewed Motion to Stay Proceedings	NBIS000891-NBIS001026
V	23	2022-01-21	Plaintiff Diane Sanchez's Opposition to Order Denying Defendant NationsBuilders Insurance Services, Inc., and NBIS Construction & Transport Insurance Services, Inc.'s Motion to Stay Proceedings Pursuant to NRCP 60(b)(6), or Alternatively, EDCR 2.24(b) on an Order Shortening Time	NBIS001083-NBIS001104
II	9	2021-06-01	Plaintiff Diane Sanchez's Second Amended Complaint	NBIS000417-NBIS000454
IV	16	2021-10-27	Second Amended Notice of Appeal	NBIS000775-NBIS000890
VI	22	2022- 01-27	Transcript for hearing on January 27, 2022 Before Judge Denton on	NBIS001068 NBIS001082

EXHIBIT 14

EXHIBIT 14



Electronically Filed
Oct 08 2021 01:07 p.m.
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20 DISTRICT COURT
21 CLARK COUNTY, NEVADA

22 DIANE SANCHEZ,
23
24 Plaintiff,
25
26 *vs.*

27 BLAS BON, individually; JOSEPH
28 ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

AMENDED NOTICE OF APPEAL

AMENDED NOTICE OF APPEAL

Please take notice that defendant Blas Bon hereby appeals to the Supreme Court of Nevada from:

1. All judgments and orders in this case;
2. "Order Denying Defendant Blas Bon's Motion to Set Aside Default Judgment, filed September 19, 2020, notice of entry of which was served electronically on September 21, 2020 (Exhibit A);

3. “Order Denying Defendant Blas Bon’s Motion for Rehearing and to Alter or Amend the Judgment and Denying Rule 60(b) Relief,” filed on September 16, 2021, notice of entry of which was served electronically on September 20, 2021 (Exhibit B); and

4. All judgments, rulings and interlocutory orders made appealable by the foregoing.

Dated this 28th day of September, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Daniel F. Polsenberg

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/s/ Cynthia Kelley
An Employee of Lewis Roca Rothgerber Christie LLP

EXHIBIT A

EXHIBIT A



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13 Diane Sanchez

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

10 DIANE SANCHEZ,
11 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

12 vs.


13 BLAS BON, individually; JOSEPH
14 ACOSTA, individually; WILFREDO
15 ACOSTA, individually; DOES I-X and
16 ROE CORPORATIONS I-X, inclusive,
17 Defendants.

NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT BLAS
BON'S MOTION TO SET ASIDE
DEFAULT JUDGMENT

17 PLEASE TAKE NOTICE that an Order Denying Defendant Blas Bon's Motion to
18 Set Aside Default Judgment was entered on the 19th day of September, 2020 in the
19 above-referenced matter, a copy of which is attached hereto.

20 DATED this 21st day September, 2020.

21 **PRINCE LAW GROUP**

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Attorneys for Plaintiff
Diane Sanchez

1
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
4 and that on the 4 day of September, 2020, I caused the foregoing document entitled
5 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S**
6 **MOTION TO SET ASIDE DEFAULT JUDGMENT** to be served upon those persons
7
8 designated by the parties in the E-Service Master List for the above-referenced matter
9 in the Eighth Judicial District Court eFiling System in accordance with the mandatory
10 electronic service requirements of Administrative Order 14-2 and the Nevada
11 Electronic Filing and Conversion Rules, as follows:

12 **WILLIAM P. VOLK**
13 **Holley Driggs**
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15 **Third Floor**
16 **Las Vegas, Nevada 89101**
17 **Attorneys for Defendant**
18 ***Blas Bon***

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An Employee of Prince Law Group

1 **ORDER**
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14 *Diane Sanchez*

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

17 **DIANE SANCHEZ,**

18 Plaintiff,

19 vs.

20 **BLAS BON, individually; JOSEPH**
21 **ACOSTA, individually; WILFREDO**
22 **ACOSTA, individually; DOES I-X and**
23 **ROE CORPORATIONS I-X, inclusive,**

24 Defendants.

CASE NO. A-15-722815-C
DEPT. NO. XXV

ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT

25 Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for
26 hearing in Department XXV of the Eighth Judicial District Court, before the Honorable
27 Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin
28 T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ,
and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS
BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard
oral argument, and being duly advised in the premises:

...

...

¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.



1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has "wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable" under NRCP
10 60(b). *Dutango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff's process server attempted to locate Bon through
17 records searches with the Clark County Assessor's Office and Clark County Voter
18 Registration. Plaintiff's process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez's Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident report, and the November 2, 2015 DMV
27 letter to Bon's best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez's
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied

Sanchez v. Bon
Case No. A-15-722815-C
Order Denying Motion to Set Aside Default Judgment

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Compliance and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.
25 ...
26 ...
27 ...

28 ² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

Sanchez v. Bon
Case No. A-15-722815-C
Order Denying Motion to Set Aside Default Judgment

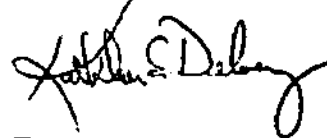
ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.

DATED 19th day of September, 2020.

Respectfully Submitted By:

~~Kathleen E. Driggs~~
District Court Judge
Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



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

5
6 **Diane Sanchez, Plaintiff(s)**

CASE NO: A-15-722815-C

7 **vs.**

DEPT. NO. Department 25

8 **Blas Bon, Defendant(s)**

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

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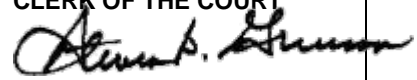
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EXHIBIT B

EXHIBIT B



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20 DISTRICT COURT
21 CLARK COUNTY, NEVADA

22 DIANE SANCHEZ,
23
24 Plaintiff,

25 *vs.*

26 BLAS BON, individually; JOSEPH
27 ACOSTA, individually; WILFREDO
28 ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**NOTICE OF ENTRY OF "ORDER
DENYING DEFENDANT BLAS BON'S
MOTION FOR REHEARING AND TO
ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF"**

Please take notice that an "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief" was entered on September 16, 2021. A copy of the order is attached.

1 Dated this 20th day of September, 2021.

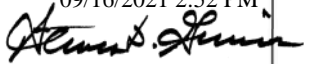
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12 *Attorneys for Defendant Blas Bon*


CLERK OF THE COURT

ORDER

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DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
8 Nev. 79, 80-81 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 52 (2010).

9 **THE COURT FURTHER FINDS** that Nevada allows service of process
10 on "resident motorists who have left the State or cannot be found within the
11 State" to be effectuated through the Nevada Department of Motor Vehicles
12 ("DMV"). Nev. Rev. Stat. 14.070(2), (6); *Browning v. Dixon*, 114 Nev. 213, 216
13 (1998).

14 **THE COURT FURTHER FINDS** that a plaintiff must exercise
15 reasonable diligence to search for the resident motorist defendant to effectuate
16 personal service before service of process may be effectuated through the DMV.
17 *Browning*, 114 Nev. at 216. The diligence required "is that which is reasonable
18 under the circumstances and not all possible diligence which may be conceived."
19 *Abreu v. Gilmer*, 115 Nev. 308, 312 (1999) (quoting *Parker v. Ross*, 217 P.2d
20 373, 379 (Utah 1950)).

21 **THE COURT FURTHER FINDS** that, in accordance with Nevada law,
22 this analysis must focus on the reasonableness of the due diligence efforts that
23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitute
7 service was made through the DMV by conducting standard process server
8 efforts, *to wit*: (1) attempted service at 3900 Cambridge Street, Suite 106, Las
9 Vegas, Nevada 89119, which was listed in the police report; and (2) records
10 searches with the Clark County Assessor's Office, Clark County Voter
11 Registration, local phone records, the DMV, and Premium Finder after learning
12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
17 information could have been used and would have been reasonable, the
18 existence of those other methods to effectuate personal service does not negate
19 the diligent efforts Sanchez undertook to locate Bon before effectuating service
20 of the summons and complaint through the DMV.

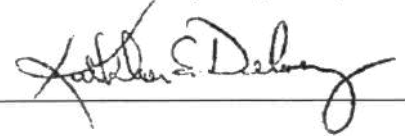
21 **THE COURT FURTHER FINDS** that although Bon was never served
22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
24 amended complaint on Bon because because the nature of the original
25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021

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10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

12
13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
16 ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway, Suite 600
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(702) 949-8200

17 WILLIAM P. VOLK, (SBN 6167)
18 HOLLEY DRIGGS
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Las Vegas, Nevada 89101
20 (702) 791-0308
wvolk@nevadafirm.com

21 *Attorneys for Defendant Blas Bon*
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/16/2021

15 William Volk

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17 Lennie Fraga

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18 Dana Marcolongo .

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19 Jenny Marimberga .

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20 Lauren Pellino .

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21 Lindsay Reid .

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nvdistrict@klnevada.com

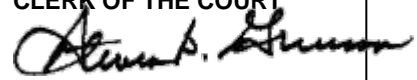
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eservice@egletlaw.com

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NBIS 000678

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JHenriod@LewisRoca.com
ASmith@LewisRoca.com

Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

AMENDED CASE APPEAL STATEMENT

AMENDED CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Defendant Blas Bon
2. Identify the judge issuing the decision, judgment, or order appealed from:
The Honorable Kathleen Delaney
3. Identify each appellant and the name and address of counsel for each appellant:

Attorneys for Appellant Blas Bon

DANIEL F. POLSENBERG
JOEL D. HENRIOD
ABRAHAM G. SMITH
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

WILLIAM P. VOLK
HOLLEY DRIGGS
400 S. Fourth Street, Suite 300
Las Vegas, Nevada 89101
(702) 791-0308

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):

Attorneys for Respondent Diane Sanchez

DENNIS M. PRINCE
KEVIN T. STRONG
10801 West Charleston Boulevard, Suite 560
Las Vegas, Nevada 89135
(702) 534-7600

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed 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 counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

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:

“Complaint,” filed August 7, 2015

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 stems from a motor vehicle accident. A default judgment was entered against defendant. Bon filed a motion to set aside the default judgment, which was denied. The parties submitted competing orders, and the Court approved and signed plaintiff’s order. On October 20, 2020, Bon appealed from the resulting judgment and orders denying his motion to set aside the default judgment. Defendant now appeals from the Court’s order denying his motion for rehearing and to alter or amend the judgment and denying Rule 60(b) relief.

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

Bon v. Sanchez, Case No. 81983

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

This case does not involve child custody or visitation.

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

The parties previously opted for private mediation in lieu of participation in the Supreme Court settlement program. No compromise was reached.

Dated this 28th day of September, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Daniel F. Polsenberg

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Attorneys for Defendant Blas Bon

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Kevin T. Strong
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Las Vegas, Nevada 89135
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/s/ Cynthia Kelley
An Employee of Lewis Roca Rothgerber Christie LLP

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-15-722815-C**

Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

§
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Location: **Department 25**
 Judicial Officer: **Delaney, Kathleen E.**
 Filed on: **08/07/2015**
 Cross-Reference Case Number: **A722815**
 Supreme Court No.: **81983**

CASE INFORMATION**Statistical Closures**

02/07/2019 Stipulated Judgment

Case Type: **Negligence - Auto**

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

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

Case Number A-15-722815-C
 Court Department 25
 Date Assigned 08/07/2015
 Judicial Officer Delaney, Kathleen E.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Sanchez, Diane	Prince, Dennis M <i>Retained</i> 702-534-7600(W)
Defendant	Acosta, Joseph Removed: 10/16/2018 Dismissed	Temple, Marissa R. <i>Retained</i> 702-383-3400(W)
	Acosta, Joseph Removed: 10/18/2018 Data Entry Error	
	Acosta, Wilfredo Removed: 10/16/2018 Dismissed	Meyer, Michael C. <i>Retained</i> 702-363-5100(W)
	Bon, Blas	Volk, William P <i>Retained</i> 702-791-0308(W)
Cross Claimant	Acosta, Joseph Removed: 10/16/2018 Dismissed	Temple, Marissa R. <i>Retained</i> 702-383-3400(W)
	Acosta, Wilfredo Removed: 10/16/2018 Dismissed	Meyer, Michael C. <i>Retained</i> 702-363-5100(W)
Cross Defendant	Bon, Blas Removed: 11/09/2016 Data Entry Error	Volk, William P <i>Retained</i> 702-791-0308(W)
	Bon, Blas Removed: 10/16/2018 Dismissed	Volk, William P <i>Retained</i> 702-791-0308(W)

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















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NBIS 000684

CASE SUMMARY















CASE NO. A-15-722815-C

08/07/2015	 Complaint Filed By: Plaintiff Sanchez, Diane <i>[1] Complaint and Initial Fee Disclosure</i>
09/18/2015	 Demand for Jury Trial Filed By: Plaintiff Sanchez, Diane <i>[2] Demand for Jury Trial</i>
10/12/2015	 Affidavit of Service Filed By: Plaintiff Sanchez, Diane <i>[3] Affidavit of Service</i>
10/20/2015	 Affidavit of Due Diligence Filed By: Plaintiff Sanchez, Diane <i>[4] Affidavit of Due Diligence</i>
11/19/2015	 Affidavit of Compliance Filed By: Plaintiff Sanchez, Diane <i>[5] Affidavit of Compliance</i>
12/01/2015	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Acosta, Joseph <i>[7] Initial Appearance Fee Disclosure</i>
12/01/2015	 Demand for Jury Trial Filed By: Cross Claimant Acosta, Joseph <i>[8] Demand for Jury Trial</i>
12/01/2015	 Answer and Crossclaim Filed By: Cross Claimant Acosta, Joseph <i>[6] Defendant Joseph Acosta's Answer To Plaintiff's Complaint And Cross-Claim Against Blas Bon</i>
01/15/2016	 Commissioners Decision on Request for Exemption - Granted <i>[9] Commissioner s Decision on Request for Exemption</i>
02/17/2016	 Joint Case Conference Report Filed By: Plaintiff Sanchez, Diane <i>[10] Joint Case Conference Report</i>
03/08/2016	 Scheduling Order <i>[11] Scheduling Order</i>
03/09/2016	 Order Setting Civil Jury Trial <i>[12] Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
03/29/2016	 Amended Affidavit Filed By: Plaintiff Sanchez, Diane <i>[13] Amended Affidavit of Compliance</i>
04/01/2016	 Default Filed By: Plaintiff Sanchez, Diane <i>[14] Default on Defendant Blas Bon</i>

NBIS 000685

CASE SUMMARY











CASE NO. A-15-722815-C

06/22/2016	 Notice of Entry of Default Party: Plaintiff Sanchez, Diane <i>[15] Notice of Entry of Default</i>
08/29/2016	 Motion Filed By: Plaintiff Sanchez, Diane <i>[16] Plaintiff's Motion for Leave to File Amended Complaint</i>
09/07/2016	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[18] Stipulation and Order to Extend Discovery & Continue Trial (First Request)</i>
09/07/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Sanchez, Diane <i>[17] Notice of Entry of Order of Stipulation and Order to Extend Discovery & Continue Trial (First Request)</i>
09/09/2016	 Amended Order Setting Jury Trial <i>[19] Amended Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
10/04/2016	 Order Filed By: Plaintiff Sanchez, Diane <i>[20] Order</i>
10/04/2016	 Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion for Leave to File Amended Complaint</i>
10/05/2016	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[21] Notice of Entry of Order</i>
10/13/2016	 Amended Complaint Filed By: Plaintiff Sanchez, Diane <i>[22] Amended Complaint</i>
11/09/2016	 Acceptance of Service Filed By: Defendant Bon, Blas <i>[23] Acceptance of Service of Summons and Complaint</i>
11/09/2016	 Answer to Amended Complaint Filed By: Cross Claimant Acosta, Wilfredo <i>[24] Defendants Joseph Acosta and Wilfredo Acosta's Answer to Plaintiff's Amended Complaint and Cross-Claim Against Blas Bon</i>
11/09/2016	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Acosta, Joseph <i>[25] Defendant Wilfredo Acosta's Initial Appearance Fee Disclosure</i>
11/09/2016	 Demand for Jury Trial Filed By: Cross Claimant Acosta, Joseph <i>[26] Defendants/Cross-Claimants Joseph Acosta and Wilfredo Acosta's Demand for Jury Trial</i>
02/23/2017	 Application for Issuance of Commission to Take Deposition

NBIS 000686

CASE SUMMARY

CASE NO. A-15-722815-C

	<p>Party: Plaintiff Sanchez, Diane <i>[27] Application to Issue Commission to serve Subpoena Outside the State of Nevada - Donna Mae Evans</i></p>
02/27/2017	<p> Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Sanchez, Diane <i>[28] Commission to Serve Subpoena Duces Tecum Outside the State of Nevada - Donna Mae Evans</i></p>
03/07/2017	<p> Motion Filed By: Cross Claimant Acosta, Joseph <i>[29] Defendant/Cross-Claimant Joseph Acosta's Motion to Enlarge Time to Perfect Service of Cross Claim Against Cross-Defendant Blas Bon</i></p>
03/11/2017	<p> Notice of Change of Address Filed By: Cross Claimant Acosta, Joseph <i>[30] Notice of Change of Address</i></p>
04/11/2017	<p> Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant/Cross-Claimant Joseph Acosta's Motion to Enlarge Time to Perfect Service of Cross Claim Against Cross-Defendant Blas Bon</i></p>
04/21/2017	<p> Notice of Entry Filed By: Cross Claimant Acosta, Joseph <i>[32] Notice of Entry of Order</i></p>
04/21/2017	<p> Stipulation and Order Filed by: Cross Claimant Acosta, Joseph <i>[31] Stipulation and Order to Extend Discovery and Move the Trial Date (Second Request)</i></p>
04/24/2017	<p> Amended Order Setting Jury Trial <i>[33] Second Amended Order Setting Civil Jury Trial and Pretiral/Calendar Call</i></p>
05/16/2017	<p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
05/22/2017	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
07/25/2017	<p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
07/31/2017	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
09/08/2017	<p> Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[34] Plaintiff's Pre-Trial Disclosure Statement</i></p>
09/13/2017	<p> Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[35] Defendant/Cross-Claimant's Pre-Trial Disclosure Statement Pursuant to NRCP 16.1(a) (3)</i></p>
09/25/2017	<p> Motion Filed By: Plaintiff Sanchez, Diane</p>

NBIS 000687

CASE SUMMARY

CASE NO. A-15-722815-C

[36] Joint Motion to Continue Trial and Extend Discovery on an Order Shortening Time

09/26/2017



Motion to Continue Trial (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Joint Motion to Continue Trial and Extend Discovery on an Order Shortening Time

10/03/2017

CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

Vacated - per Judge

10/09/2017

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

Vacated - per Judge

10/24/2017



Amended Order Setting Jury Trial

[37] Third Amended Order Setting Civil Jury Trial and Pretrial/Calendar Call

02/22/2018



Motion

Filed By: Plaintiff Sanchez, Diane

[38] Motion for Juror Questionnaire

03/09/2018



Motion in Limine

Filed By: Plaintiff Sanchez, Diane

[39] Plaintiff's Motions in Limine

03/09/2018



Motion in Limine

Filed By: Cross Claimant Acosta, Joseph

[40] Defendant/Cross-Claimant Joseph Acosta's Motion in Limine

03/12/2018



Opposition to Motion

Filed By: Cross Claimant Acosta, Joseph

[41] Defendant/Cross-Claimant Joseph Acosta's Opposition to Motion for Juror Questionnaire

03/15/2018



Reply in Support

Filed By: Plaintiff Sanchez, Diane

[42] Reply in Support of Motion for Jury Questionnaire

03/21/2018



Opposition to Motion in Limine

Filed By: Plaintiff Sanchez, Diane

[43] Plaintiff's Opposition to Defendant's Motion in Limine

03/26/2018



Opposition to Motion in Limine

Filed By: Cross Claimant Acosta, Joseph

[44] Defendant/Cross-Claimant Joseph Acosta's Opposition to Plaintiff's Omnibus Motion in Limine

03/27/2018



Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Plaintiff's Motion for Juror Questionnaire

04/03/2018



Reply in Support

Filed By: Cross Claimant Acosta, Joseph

[45] Defendant/Cross-Claimant Joseph Acosta's Reply in Support of Motions in Limine

04/03/2018



Reply in Support













Filed By: Plaintiff Sanchez, Diane

[46] Plaintiff's Reply in Support of Plaintiff's Motions in Limine

NBIS 000688

CASE SUMMARY













CASE NO. A-15-722815-C

04/10/2018	Motion in Limine (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/10/2018, 04/24/2018-04/25/2018 <i>Plaintiff's Motions in Limine</i>
04/10/2018	Motion in Limine (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/10/2018, 04/24/2018-04/25/2018 <i>Defendant/Cross Claimant Joseph Acosta's Motion in Limine</i>
04/10/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
04/11/2018	 Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[47] Defendant/Cross-Claimant Joseph Acosta's First Supplemental Pre-Trial Disclosure Statement Pursuant to NRCp 16.1(a)(3)</i>
04/11/2018	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[48] Stipulation and Order to Continue Hearing Date on All Motions in Limine</i>
04/12/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[49] Notice of Entry of Order</i>
04/12/2018	 Order Filed By: Plaintiff Sanchez, Diane <i>[50] Order</i>
04/12/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[51] NOTICE OF ENTRY OF ORDER</i>
04/19/2018	 Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[52] Plaintiff's Supplemental Pre-Trial Disclosure Statement</i>
04/24/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
04/25/2018	 All Pending Motions (1:30 PM) (Judicial Officer: Delaney, Kathleen E.)
05/11/2018	 Joint Pre-Trial Memorandum Filed By: Plaintiff Sanchez, Diane <i>[53] Joint Pre-Trial Memorandum</i>
05/15/2018	 Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)
05/21/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
06/28/2018	 Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[54] Defendant/Cross-Claimant's Second Supplemental Pre-Trial Disclosure Statement Pursuant to NRCp 16.1(a)(3)</i>

NBIS 000689

CASE SUMMARY














CASE NO. A-15-722815-C

06/29/2018	 Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[55] Plaintiff's Second Supplemental Pre-Trial Disclosure Statement</i>
07/03/2018	 Order Filed By: Plaintiff Sanchez, Diane <i>[56] Order</i>
07/03/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[57] Notice of Entry of Order</i>
07/05/2018	 Order <i>[58] Order on Defendant/Cross-Claimant Joseph Acosta's MIL</i>
07/10/2018	 Notice of Entry of Order <i>[59] Notice of Entry of Order</i>
07/11/2018	 Proposed Voir Dire Questions Filed By: Cross Claimant Acosta, Joseph <i>[60] Defendant/Cross-Claimant Joseph Acosta's Proposed Voir Dire Questions</i>
07/12/2018	 Objection Filed By: Plaintiff Sanchez, Diane <i>[61] Plaintiff's Objections to Defendant Joseph Acosta's Pre-Trial Disclosure Statement Pursuant to NRCp 16.1 (a)(3)</i>
07/24/2018	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)
07/30/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
09/25/2018	 Status Check (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 09/25/2018, 11/27/2018, 01/29/2019 <i>Status Check: Settlement / Default Judgments</i>
10/16/2018	Order of Dismissal With Prejudice (Judicial Officer: Delaney, Kathleen E.) Debtors: Diane Sanchez (Plaintiff) Creditors: Blas Bon (Defendant), Joseph Acosta (Defendant), Wilfredo Acosta (Defendant) Judgment: 10/16/2018, Docketed: 10/16/2018 Debtors: Blas Bon (Cross Defendant) Creditors: Joseph Acosta (Cross Claimant), Wilfredo Acosta (Cross Claimant) Judgment: 10/16/2018, Docketed: 10/16/2018
10/16/2018	 Stipulation and Order for Dismissal With Prejudice Filed By: Cross Claimant Acosta, Joseph; Cross Claimant Acosta, Wilfredo <i>[62] Stipulation and Order for Dismissal with Prejudice</i>
10/18/2018	 Notice of Entry of Order Filed By: Defendant Acosta, Joseph <i>[63] Notice of Entry of Stipulation and Order for Dismissal with Prejudice</i>
11/14/2018	 Notice of Association of Counsel Filed By: Plaintiff Sanchez, Diane

NBIS 000690

CASE SUMMARY













CASE NO. A-15-722815-C

	<i>[64] Notice of Association of Counsel</i>
02/07/2019	 Order to Statistically Close Case <i>[65] Civil Order to Statistically Close Case</i>
03/29/2019	 Application Filed By: Plaintiff Sanchez, Diane <i>[66] Plaintiff diane Sanchez's Application For Entry Of Default Judgment</i>
03/29/2019	 Clerk's Notice of Hearing <i>[67] Notice of Hearing</i>
06/11/2019	 Motion for Default Judgment (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff Diane Sanchez's Application for Entry of Default Judgment</i>
06/13/2019	 Notice of Change Filed By: Plaintiff Sanchez, Diane <i>[68] Notice of Change of Lead Counsel and Change of Contact Information for Dennis M. Prince, Esq.</i>
06/20/2019	 Notice Filed By: Plaintiff Sanchez, Diane <i>[69] Notice of Disassociation of Counsel</i>
07/08/2019	 Notice of Attorney Lien <i>[70] Notice of Attorney Lien</i>
07/09/2019	 Supplemental Filed by: Plaintiff Sanchez, Diane <i>[71] Plaintiff's Supplement to Application for Entry of Default Judgment</i>
07/19/2019	 Default Judgment <i>[72] Default Judgment</i>
07/19/2019	Default Judgment Plus Legal Interest (Judicial Officer: Delaney, Kathleen E.) Debtors: Blas Bon (Defendant) Creditors: Diane Sanchez (Plaintiff) Judgment: 07/19/2019, Docketed: 07/19/2019 Total Judgment: 15,212,655.73
07/19/2019	 Notice of Entry of Judgment by Default Party: Plaintiff Sanchez, Diane <i>[73] Notice of Entry of Default Judgment</i>
07/19/2019	 Motion Filed By: Plaintiff Sanchez, Diane <i>[74] Plaintiff's Motion for Judicial Assignment</i>
07/22/2019	 Clerk's Notice of Hearing <i>[75] Notice of Hearing</i>
08/19/2019	 Memorandum of Costs and Disbursements Filed By: Plaintiff Sanchez, Diane <i>[76] Plaintiff's Memorandum of Costs and Disbursements</i>

NBIS 000691

CASE SUMMARY

CASE NO. A-15-722815-C

08/20/2019	 Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or any Other Applicable Liability Insurer</i>
08/20/2019	 Order Filed By: Plaintiff Sanchez, Diane <i>[77] Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or Any Other Applicable Liability Insurer</i>
08/22/2019	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[78] Notice of Entry of Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance or Any Other Applicable Liability Insurer</i>
01/03/2020	 Notice of Change of Address Filed By: Plaintiff Sanchez, Diane <i>[79] Notice of Change of Address</i>
01/17/2020	 Motion to Set Aside Default Judgment Filed By: Defendant Bon, Blas <i>[80] Motion to Set Aside Default Judgment</i>
01/17/2020	 Initial Appearance Fee Disclosure Filed By: Defendant Bon, Blas <i>[81] Initial Appearance Fee Disclosure</i>
01/21/2020	 Clerk's Notice of Hearing <i>[82] Notice of Hearing</i>
02/05/2020	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[83] Stipulation and Order to Continue Deadline for Plaintiff to File Her Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment (First Request)</i>
02/06/2020	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[84] Notice of Entry of Stipulation and Order to Continue Deadline for Plaintiff to File Her Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/07/2020	 Opposition to Motion Filed By: Plaintiff Sanchez, Diane <i>[85] Plaintiff Diane Sanchez's Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/09/2020	 Supplement to Opposition Filed By: Plaintiff Sanchez, Diane <i>[86] Plaintiff Diane Sanchez's Supplement to Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/18/2020	 Reply in Support Filed By: Defendant Bon, Blas

NBIS 000692

CASE SUMMARY

CASE NO. A-15-722815-C

[87] Reply in Support of Motion to Set Aside Default Judgment

02/25/2020



Motion to Set Aside Default Judgment (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Defendant Motion to Set Aside Default Judgment

03/17/2020



Notice of Change of Address
Filed By: Defendant Bon, Blas
[88] Notice of Change of Contact Information and Firm Affiliation

03/30/2020



Notice
Filed By: Defendant Bon, Blas
[89] Notice of Permanent Injunction and Automatic Stay Re: Liquidation of Windhaven National Insurance Company f/k/a ATX Premier Insurance Company

07/31/2020



Motion
Filed By: Plaintiff Sanchez, Diane
[90] Plaintiff's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or any Other Insurance Entity Pursuant to NRS 21.320

08/03/2020



Clerk's Notice of Hearing
[91] Notice of Hearing

08/13/2020



Opposition to Motion
Filed By: Defendant Bon, Blas
[92] Opposition Of Blas Bon To Plaintiff Diane Sanchez s Motion For Judicial Assignment Of Claims And/Or Causes Of Action Defendant Blas Bon Has Against Any Third-Party Claims Administrator, Third-Party Adjuster, Or Any Other Insurance Entity Pursuant To NRS 21.320

09/01/2020



Reply in Support
Filed By: Plaintiff Sanchez, Diane
[93] Plaintiff Diane Sanchez's Reply in Support of Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against Any Third-Party Claims Administrator, Third-Party Adjuster, or Any Other Insurance Entity Pursuant to NRS 21.320

09/08/2020



Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Plaintiff's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or any Other Insurance Entity Pursuant to NRS 21.320

09/19/2020



Order Denying Motion
Filed By: Plaintiff Sanchez, Diane
[94] Order Denying Defendant Blas Bon's Motion to Set Aside Default Judgment

09/21/2020



Notice of Entry of Order
Filed By: Plaintiff Sanchez, Diane
[95] Notice of Entry of Order Denying Blas Bon's Motion to Set Aside Default Judgment

10/19/2020



Notice of Association of Counsel
Filed By: Defendant Bon, Blas
[96] Notice of Association of Counsel

10/19/2020









Motion to Rehear
Filed By: Defendant Bon, Blas
[97] Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b)

NBIS 000693

CASE SUMMARY



CASE NO. A-15-722815-C

Relief

10/20/2020	 Clerk's Notice of Hearing <i>[98] Notice of Hearing</i>
10/20/2020	 Notice of Appeal Filed By: Defendant Bon, Blas <i>[99] Notice of Appeal</i>
10/20/2020	 Case Appeal Statement Filed By: Defendant Bon, Blas <i>[100] Case Appeal Statement</i>
11/02/2020	 Opposition to Motion Filed By: Plaintiff Sanchez, Diane <i>[101] Plaintiff Diane Sanchez's Opposition to Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief</i>
11/17/2020	 Reply in Support <i>[102] Reply Brief on "Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
11/24/2020	 Motion to Rehear (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief</i>
08/27/2021	 Objection Filed By: Defendant Bon, Blas <i>[103] Objection to Plaintiff's Proposed "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment Order Denying Rule 60(b) Relief"</i>
09/14/2021	 Response Filed by: Plaintiff Sanchez, Diane <i>[104] Plaintiff Diane Sanchez's Response to Objection to Plaintiff's Proposed "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
09/16/2021	 Amended Order Filed By: Plaintiff Sanchez, Diane <i>[105] Amended Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance Company, any other Applicable Liability Insurere, any Thrid-Party Claims Administrator, andy Third-Party Adjuster, or any Other Insurance Entity</i>
09/16/2021	 Order <i>[106] Order Denying Defendant's Motion for Rehearing and to Alter or Amend the Judgement and Order Denying Rule 60(b) Relief</i>
09/20/2021	 Notice of Entry of Order Filed By: Defendant Bon, Blas <i>[107] Notice of Entry of "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
09/21/2021	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane

NBIS 000694

CASE SUMMARY**CASE NO. A-15-722815-C**

	<i>[108] Notice of Entry of Amended Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance Company, Any Other Applicable Liability Insurer, Any Third-Party Claims Administrator, Any Third-Party Adjuster, or any Other Insurance Entity</i>
09/28/2021	 Amended Notice of Appeal Party: Defendant Bon, Blas <i>[109] Amended Notice of Appeal</i>
09/28/2021	 Amended Case Appeal Statement Party: Defendant Bon, Blas <i>[110] Amended Case Appeal Statement</i>

DATE**FINANCIAL INFORMATION**

Cross Claimant Acosta, Joseph	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 9/29/2021	0.00
Cross Claimant Acosta, Wilfredo	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 9/29/2021	0.00
Defendant Bon, Blas	
Total Charges	264.50
Total Payments and Credits	264.50
Balance Due as of 9/29/2021	0.00
Plaintiff Sanchez, Diane	
Total Charges	275.00
Total Payments and Credits	275.00
Balance Due as of 9/29/2021	0.00
Defendant Bon, Blas	
Appeal Bond Balance as of 9/29/2021	500.00

DISTRICT COURT CIVIL COVER SHEET

A-15-722815-C

County, Nevada

Case No.

XXV

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

DIANE SANCHEZ 9000 S. Las Vegas Blvd., #1257, Las Vegas, Nevada 89123

Phone Number: 702-460-0036

Defendant(s) (name/address/phone):

BLAS BON

Attorney (name/address/phone):

Paul D. Powell 6785 West Russell Road, Suite 210 Las Vegas Nevada 89118

Phone number: 702-728-5500

Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property		Negligence <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal	
Civil Writ <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		Other Civil Filing Other Civil Filing <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.

8/6/2015

Date

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Lamin
CLERK OF THE COURT

ORDR
DENNIS M. PRINCE
Nevada Bar No. 5092
KEVIN T. STRONG
Nevada Bar No. 12107
PRINCE LAW GROUP
10801 West Charleston Boulevard
Suite 560
Las Vegas, Nevada 89135
Tel: (702) 534-7600
Fax: (702) 534-7601
Email: eservice@thedplg.com
Attorneys for Plaintiff
Diane Sanchez

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

DIANE SANCHEZ,
Plaintiff,

CASE NO. A-15-722815-C
DEPT. NO. XXV

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

**ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT**

Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for hearing in Department XXV of the Eighth Judicial District Court, before the Honorable Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard oral argument, and being duly advised in the premises:

...

...

¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.



1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has “wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable” under NRCP
10 60(b). *Durango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff’s process server attempted to locate Bon through
17 records searches with the Clark County Assessor’s Office and Clark County Voter
18 Registration. Plaintiff’s process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez’s Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident, report, and the November 2, 2015 DMV
27 letter to Bon’s best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez’s
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Complaine and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.
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...

² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

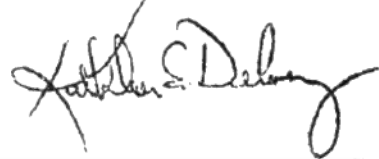
ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.

DATED this 19th day of September, 2020.

Kathleen E. Delaney

District Court Judge

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



Refused to sign

DENNIS M. PRINCE
Nevada Bar No. 5092
KEVIN T. STRONG
Nevada Bar No. 12107
10801 West Charleston Boulevard
Suite 560
Las Vegas, Nevada 89135
Tel: (702) 534-7600
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Attorneys for Plaintiff
Diane Sanchez

WILLIAM P. VOLK
Nevada Bar No. 6157
400 South 4th Street
Suite 300
Las Vegas, Nevada 89101
Tel: (702) 791-0308
Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/19/2020

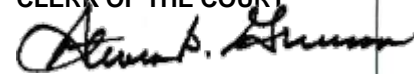
15 William Volk	wvolk@klnevada.com
16 Joanne Hybarger	jhybarger@klnevada.com
17 Lennie Fraga	lfraga@klnevada.com
18 Bernita Lujan .	blujan@messner.com
19 Dana Marcolongo .	dana@tplf.com
20 Jenny Marimberga .	jenny@tplf.com
21 Kimberly Shonfeld .	kshonfeld@messner.com
22 Lauren Pellino .	lpellino@tplf.com
23 Lindsay Reid .	lindsay@tplf.com
24 Michael Meyer .	cmeyer@messner.com
25 Renee Finch .	rfinch@messner.com

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NBIS 000701

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William Schuller	wschuller@klnevada.com
Cindy Kishi	ckishi@klnevada.com
eFiling District	nvdistrict@klnevada.com
Tracey Zastrow	tzastrow@messner.com
Michael T. Nixon .	mnixon@messner.com
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Lisa Lee	llee@thedplg.com
Eservice Filing	eservice@thedplg.com
William Volk	wvolk@nevadafirm.com



1 **NEOJ**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
7 10801 West Charleston Blvd., Suite 560
8 Las Vegas, Nevada 89135
9 Tel: (702) 534-7600
10 Fax: (702) 534-7601
11 Email: eservice@thedplg.com
12 Attorneys for Plaintiff
13 *Diane Sanchez*

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

10 DIANE SANCHEZ,
11 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

12 vs.


NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT BLAS
BON'S MOTION TO SET ASIDE
DEFAULT JUDGMENT

13 BLAS BON, individually; JOSEPH
14 ACOSTA, individually; WILFREDO
15 ACOSTA, individually; DOES I-X and
16 ROE CORPORATIONS I-X, inclusive,
17 Defendants.

17 PLEASE TAKE NOTICE that an Order Denying Defendant Blas Bon's Motion to
18 Set Aside Default Judgment was entered on the 19th day of September, 2020 in the
19 above-referenced matter, a copy of which is attached hereto.

20 DATED this 21st day September, 2020.

21 **PRINCE LAW GROUP**

22 
23 DENNIS M. PRINCE
24 Nevada Bar No. 5092
25 KEVIN T. STRONG
26 Nevada Bar No. 12107
27 10801 W. Charleston Blvd., Suite 560
28 Las Vegas, NV 89135
Attorneys for Plaintiff
Diane Sanchez



1
2
3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
5 and that on the 21 day of September, 2020, I caused the foregoing document entitled
6 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S**
7 **MOTION TO SET ASIDE DEFAULT JUDGMENT** to be served upon those persons
8 designated by the parties in the E-Service Master List for the above-referenced matter
9 in the Eighth Judicial District Court eFiling System in accordance with the mandatory
10 electronic service requirements of Administrative Order 14-2 and the Nevada
11 Electronic Filing and Conversion Rules, as follows:

12 WILLIAM P. VOLK
13 Holley Driggs
14 400 South Fourth Street
15 Third Floor
16 Las Vegas, Nevada 89101
17 Attorneys for Defendant
18 *Blas Bon*

19
20
21
22
23
24
25
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27
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An Employee of Prince Law Group

Heather L. Smith
CLERK OF THE COURT

1 **ORDER**
2 **DENNIS M. PRINCE**
3 Nevada Bar No. 5092
4 **KEVIN T. STRONG**
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
7 10801 West Charleston Boulevard
8 Suite 560
9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
11 Fax: (702) 534-7601
12 Email: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 **DIANE SANCHEZ,**

12 Plaintiff,

13 vs.

14 **BLAS BON, individually; JOSEPH**
15 **ACOSTA, individually; WILFREDO**
16 **ACOSTA, individually; DOES I-X and**
17 **ROE CORPORATIONS I-X, inclusive,**

18 Defendants.

CASE NO. A-15-722815-C
DEPT. NO. XXV

ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT

18 Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for
19 hearing in Department XXV of the Eighth Judicial District Court, before the Honorable
20 Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin
21 T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ;
22 and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS
23 BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard
24 oral argument, and being duly advised in the premises:

25 ...

26 ...

27
28 ¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.



NBIS 000705

1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has "wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable" under NRCP
10 60(b). *Durango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff's process server attempted to locate Bon through
17 records searches with the Clark County Assessor's Office and Clark County Voter
18 Registration. Plaintiff's process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez's Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident, report, and the November 2, 2015 DMV
27 letter to Bon's best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez's
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Complaint and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.
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27

28 ² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.

DATED 19th day of September, 2020.

~~Kathleen E. Delaney~~
District Court Judge

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



DENNIS M. PRINCE
Nevada Bar No. 5092
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Diane Sanchez

Refused to sign
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Tel: (702) 791-0308
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Attorney for Defendant
Blas Bon

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/19/2020

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Heather S. Smith
CLERK OF THE COURT

ORDER

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Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
8 Nev. 79, 80-81 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 52 (2010).

9 **THE COURT FURTHER FINDS** that Nevada allows service of process
10 on "resident motorists who have left the State or cannot be found within the
11 State" to be effectuated through the Nevada Department of Motor Vehicles
12 ("DMV"). Nev. Rev. Stat. 14.070(2), (6); *Browning v. Dixon*, 114 Nev. 213, 216
13 (1998).

14 **THE COURT FURTHER FINDS** that a plaintiff must exercise
15 reasonable diligence to search for the resident motorist defendant to effectuate
16 personal service before service of process may be effectuated through the DMV.
17 *Browning*, 114 Nev. at 216. The diligence required "is that which is reasonable
18 under the circumstances and not all possible diligence which may be conceived."
19 *Abreu v. Gilmer*, 115 Nev. 308, 312 (1999) (quoting *Parker v. Ross*, 217 P.2d
20 373, 379 (Utah 1950)).

21 **THE COURT FURTHER FINDS** that, in accordance with Nevada law,
22 this analysis must focus on the reasonableness of the due diligence efforts that
23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitute
7 service was made through the DMV by conducting standard process server
8 efforts, *to wit*: (1) attempted service at 3900 Cambridge Street, Suite 106, Las
9 Vegas, Nevada 89119, which was listed in the police report; and (2) records
10 searches with the Clark County Assessor's Office, Clark County Voter
11 Registration, local phone records, the DMV, and Premium Finder after learning
12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
17 information could have been used and would have been reasonable, the
18 existence of those other methods to effectuate personal service does not negate
19 the diligent efforts Sanchez undertook to locate Bon before effectuating service
20 of the summons and complaint through the DMV.

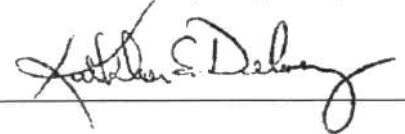
21 **THE COURT FURTHER FINDS** that although Bon was never served
22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
24 amended complaint on Bon because because the nature of the original
25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021

7
8 
9

10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

12
13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
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1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)

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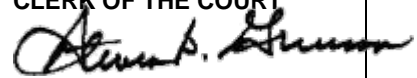
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18 ASmith@LewisRoca.com

19 *Attorneys for Defendant Blas Bon*

20
21 DISTRICT COURT
22 CLARK COUNTY, NEVADA

23 DIANE SANCHEZ,
24
25 Plaintiff,

26 *vs.*

27 BLAS BON, individually; JOSEPH
28 ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**NOTICE OF ENTRY OF "ORDER
DENYING DEFENDANT BLAS BON'S
MOTION FOR REHEARING AND TO
ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF"**

20 Please take notice that an "Order Denying Defendant Blas Bon's Motion
21 for Rehearing and to Alter or Amend the Judgment and Order Denying Rule
22 60(b) Relief" was entered on September 16, 2021. A copy of the order is at-
23 tached.
24
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28

1 Dated this 20th day of September, 2021.

2 LEWIS ROCA ROTHGERBER CHRISTIE LLP

3
4 By: /s/Abraham G. Smith

5 DANIEL F. POLSENBERG (SBN 2376)
6 JOEL D. HENRIOD (SBN 8492)
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12 *Attorneys for Defendant Blas Bon*

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/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

Heather S. Smith
CLERK OF THE COURT

ORDER

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Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
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11 State" to be effectuated through the Nevada Department of Motor Vehicles
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23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitue
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12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
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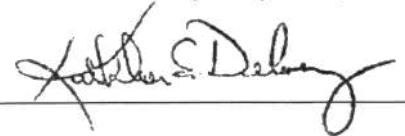
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22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
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25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021

7
8 
9

10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

12
13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
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1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

October 04, 2016

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

October 04, 2016 9:00 AM Motion for Leave

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Court noted it did not receive an opposition to the motion. Mr. Kristoff advised the motion was e-served to the parties. COURT ORDERED, motion GRANTED; Order SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 11, 2017

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 11, 2017 9:00 AM Motion

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M. Attorney
 Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Finch stated Deft. Bon is very much aware of the case and requested time to try to serve Deft. Bon again. Colloquy regarding how much time the Court should allow for service. COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED; the Court will allow another SIXTY (60) DAYS to serve Deft. Blas Bon. Mr. Finch is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 26, 2017

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 26, 2017 9:00 AM Motion to Continue Trial

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M.

Attorney

JOURNAL ENTRIES

- Ms. Finch stated the basis of the Motion is that this is a big case, treatment is still ongoing; Deft. just had another surgery. COURT STATED ITS FINDINGS, NOTING good cause has been shown and there is excusable neglect as there is more treatment ongoing. Ms. Finch stated recent medical bills and treatment records are still coming, she has not had the opportunity to subpoena those records and wants her experts to review them so they can supplement their reports. Also, she would like to speak with the Plft. as to their current status. Colloquy regarding scheduling. COURT ORDERED, Joint Motion GRANTED, Trial date VACATED and RESET; the Discovery cut-off date is 02/09/18, the Dispositive Motions and Motions in Limine cut-off date is 03/09/18, a Trial Order TO ISSUE.

05/15/18 10:30 A.M. CALENDAR CALL

05/21/18 10:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 27, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

March 27, 2018 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- Mr. Kristof argues a Jury Questionnaire would streamline the process and help to get more honest answers from potential jurors. Ms. Mazzei argued some of the scenarios brought up by Pltf's. counsel are far fetched; a potential juror, when given multiple pages of a questionnaire, may just rush through it and not pay attention. Additional argument by counsel. COURT ORDERED, Motion DENIED, and STATED ITS FINDINGS. Mr. Kristof is to prepare the Order, provide a copy to opposing counsel for review as to form and content and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 10, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 10, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLTF'S. MOTION IN LIMINE...DEFT. /CROSS-CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE

No parties present. COURT NOTED a Stipulation and Order to Continue was received, and ORDERED, today's matters OFF CALENDAR due to the parties STIPULATION to CONTINUE.

CLERK'S NOTE: A copy of this minute order was electronically served on counsel. /sb 04/13/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 24, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 24, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- PLTF'S. MOTIONS IN LIMINE...DEFT. / CROSS CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE

Colloquy regarding the parties not discussing and stipulating to any items in the opposing counsel's Motion in Limine prior to today's hearing. Colloquy regarding resetting the matter to allow counsel to argue the 5 to 6 items they feel need addressing that would not be stipulated to. MATTER TRAILED, for counsel to check their upcoming schedules.

MATTER RECALLED, all parties present as before. COURT ORDERED, the matter would be RESET to a date convenient to counsel and compatible with the Court's schedule.

CONTINUED TO: 04/25/18 1:30 P.M. (BOTH)

CLERK'S NOTE: Subsequent to Court, COURT FURTHER ORDERED, the matters RESET to 04/25/18 @ 1:30 p.m. A copy of this minute order was electronically served on all registered parties. /sb 04/24/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 25, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 25, 2018 1:30 PM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- DEFT. / CROSS CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE / PLTF'S. MOTION IN LIMINE

With regard to Deft's. / Cross Claimant Acosta's Motion in Limine, COURT ORDERED as follows:

DEFT'S. MOTION IN LIMINE NO. 1 - Following argument by counsel, GRANTED IN PART, counsel can inquire of the doctor if treatment as on a medical lien if counsel does not know if the lien has been sold; if counsel is aware the lien has been sold they may not inquire. COURT STATED FINDINGS. Mr. Kistof stated he will inquire as to the status of the lien and contact opposing counsel.

DEFT'S. MOTION IN LIMINE NO. 2 - Following argument by counsel, DENIED WITHOUT PREJUDICE as drafted; it is possible there could be an objection to something at the time of trial. COURT STATED FINDINGS.

DEFT'S. MOTION IN LIMINE NO. 3 - Following argument by counsel, GRANTED, with the understanding the treating physicians are limited to discussing their treatment of the patient. The experts are not to testify to things outside the scope of their expertise; if they reviewed the doctor's

other records they can testify to that, causation and future treatment. The Court does not want the treating physician to review records and speak to things that weren't part of the treatment of Pltf.

DEFT'S. MOTION IN LIMINE NO. 4 - Following argument by counsel, DENIED; the Court does not believe there is any legitimate dispute Dr. Smith needs the standard. Court believe it would be an abuse of its discretion to exclude Dr. Smith. Dr. Smith will be allowed to testify. COURT STATED FINDINGS

With regard to Pltf's. Motion in Limine, COURT ORDERED as follows:

PLTF'S. MOTION IN LIMINE NO. 1 - Following argument by counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 2 - With there being no argument from counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 3 - Following argument by counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 4 - With there being no argument from counsel, GRANTED; with the understanding Deft's. counsel can inquire as to medical providers, when they were retained and if counsel was retained first.

PLTF'S. MOTION IN LIMINE NO. 5 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 6 - DENIED.

PLTF'S. MOTION IN LIMINE NO. 7 - Following argument by counsel, GRANTED; it must be reciprocal.

PLTF'S. MOTION IN LIMINE NO. 8 - With there being no argument from counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 9 - Following argument by counsel, GRANTED; it must be reciprocal.

PLTF'S. MOTION IN LIMINE NO. 10 - GRANTED IN PART, in accordance with Deft's. Motion in Limine No. 1. Counsel can inquire of the doctor if treatment as on a medical lien if counsel does not know if the lien has been sold; if counsel is aware the lien has been sold they may not inquire. COURT STATED FINDINGS. Mr. Kistof stated he will contact opposing counsel following inquiry into the status of the lien.

PLTF'S. MOTION IN LIMINE NO. 11 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 12 - Following argument by counsel, DENIED.

PLTF'S. MOTION IN LIMINE NO. 13 - Following argument by counsel, Motion GRANTED with reference to particular terms and accusations; to the extent that there is something that comes to light in the trial that would allow Deft. to proffer and make argument on the Motion, counsel would not be excluded from doing so. The GRANTING of the Motion does not preclude argument regarding credibility.

PLTF'S. MOTION IN LIMINE NO. 14 - COURT STATED ITS FINDINGS; the best course is to remove any conflicts. The Court does not know that the doctor's reports should be referred to as independent. The Court's decision will apply both ways. Motion GRANTED.

PLTF'S. MOTION IN LIMINE NO. 15 - GRANTED; so the parties don't run afoul of where they are supposed to go with these types of questions.

PLTF'S. MOTION IN LIMINE NO. 16 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 17 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 18 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 19 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 20 - GRANTED, it is to be reciprocal between the parties.

PLTF'S. MOTION IN LIMINE NO. 21 - Following argument by counsel, GRANTED IN PART / DENIED IN PART; GRANTED as to Pltf., DENIED as to 3rd parties. There is nothing to preclude counsel from pointing the figure at the "empty chair."

PLTF'S. MOTION IN LIMINE NO. 22 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 23 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 24 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 25 - COURT STATED FINDINGS; GRANTED.

PLTF'S. MOTION IN LIMINE NO. 26 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 27 - DENIED; a more appropriate to be dealt with at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 28 - GRANTED, on the understanding the basis for Pltf's.

termination did not go to credibility, it was medical. To the extent anything comes to light otherwise it can be brought up at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 29 - GRANTED, on the understanding the basis for Pltf's. termination did not go to credibility, it was medical. To the extent anything comes to light otherwise it can be brought up at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 30 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 31 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 32 - DENIED.

PLTF'S. MOTION IN LIMINE NO. 33 - DENIED WITHOUT PREJUDICE. COURT STATED FINDINGS; counsel can make objections at the time of trial as to relevance and in line with other Motions In Limine heard today. The Court will address it at the time of trial.

COURT DIRECTED counsel to prepare the Orders for their respective Motions, provide a copy to opposing counsel for review a to form and content, and return them back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 15, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

May 15, 2018 10:30 AM Calendar Call

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Renee Silvaggio

PARTIES

PRESENT: Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Kristof stated Ms. Finch was present for Deft. but had to leave as she is in trial; Ms. Finch further indicated she has another trial set in June and request the Trial date be reset. Mr. Kristof stated the parties agree the matter can be reset to next stack. COURT ORDERED, due to Deft's. counsel being unavailable, Trial date VACATED and RESET.

07/24/18 10:30 A.M. CALENDAR CALL

07/30/18 10:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

July 24, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

July 24, 2018 10:30 AM Pretrial/Calendar Call

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M. Attorney
 Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Ms. Finch noted there is a Default Judgment pending against Deft. Blas Bon with respect to Pltf. that has not been resolved yet. Adding, the active cases, Deft's. Acosta, have entered into a confidential settlement agreement; it is being drafted, it has not been not executed yet. Mr. Kristof concurred; the matter is resolved as to Deft's. Acosta, Deft. Blas Bon defaulted some time ago. COURT NOTED, the Default Judgements have not been completed, and ORDERED a Status Check SET. Mr. Kristof noted a Prove Up Hearing will be required, the amounts are over \$50,000.00

09/25/18 9:00 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS / DEFAULT JUDGEMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 25, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 25, 2018 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M.

Attorney

JOURNAL ENTRIES

- Mr. Finch indicated Mr. Kristol had a calendaring issue and would not be appearing. COURT SO NOTED. Mr. Finch stated he has all the releases for his clients, he is waiting upon the checks. As to the Default, he understands Mr. Prince will be associating in. Colloquy regarding scheduling, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 11/27/18 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

November 27, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

November 27, 2018 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Strong, Kevin T. Attorney

JOURNAL ENTRIES

- COURT NOTED, there had been no updates indicating Deft. would appear; there is a Stipulation and Order to Dismiss the Compliant between Pltf. and the other Deft's. Mr. Strong stated he would prepare the Application for Default Judgment; Eglet Prince have associated in. COURT ORDERED, matter CONTINUED. The Court's expectation is that the Application will be filed, the Prove-Up Hearing set and completed by the next scheduled Court date.

CONTINUED TO: 1/29/18 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

January 29, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

January 29, 2019 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Trummell, James A. Attorney

JOURNAL ENTRIES

- Mr. Trummell stated the parties are still updating and receiving the paid medical records for completion of the settlement and requested the matter be continued. Clarifying, they want to make sure the numbers are as accurate as possible. Colloquy regarding scheduling and the Court's expectations the matter will be complete prior to the next setting. COURT ORDERED, matter CONTINUED; the future Court date can be VACATED with receipt of the appropriate documents in sufficient time.

CONTINUED TO: 04/02/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

June 11, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

**June 11, 2019 9:00 AM Motion for Default
Judgment**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Prince, Dennis M Attorney
Strong, Kevin T. Attorney

JOURNAL ENTRIES

- COURT NOTED, all the doctor's records have been documented. Given the damages, medical records and NOTING the specials numbers are in line, given the breadth and depth of documentation, COURT ORDERS, Application GRANTED. Amounts AWARDED as follows:

Past medical damages of \$465,285.01

Future medical damage of \$827,038.00

Past and future lost wages and employee benefits of \$840,260.06

Past and future lost household services of \$446,334.00

Future reduction in the value of life damages of \$2,685.877.00

Past pain and suffering damages of \$2,000,000.00

Future pain and suffering damages of \$3,000,000.00

Pre- Judgement interest accruing at the statutory rate from 08/07/15, the date of the filing of the Complaint, until the full Judgment amount is paid to Pltff.

Attorney's fees and costs incurred.

COURT ADVISED a separately filed Memorandum of Fees and Costs is to be filed; COURT FINDS

the attorney fees and costs to be justified. Mr. Prince is to prepare the Order with the findings of facts and conclusions of law, and serve a copy upon Deft. at the same time it is provided to the Court, within 10 days of today's hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

August 20, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

August 20, 2019 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Strong, Kevin T. Attorney

JOURNAL ENTRIES

- COURT NOTED, the Motion is unopposed; there does appear to be a legal basis to assume these claims do exist. Upon Court's inquiry, Mr. Strong he has not had any contact from the other side; a copy of the motion was mailed to Deft's. last known address. COURT STATED FINDINGS, ORDERED, Motion GRANTED, and SIGNED the Order provided IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 25, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

**February 25, 2020 9:00 AM Motion to Set Aside
Default Judgment**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Robert Cangemi**PARTIES**

PRESENT:	Prince, Dennis M	Attorney
	Strong, Kevin T.	Attorney
	Volk, William P	Attorney

JOURNAL ENTRIES

- COURT NOTED, there is extensive briefing provided. Arguments regarding service on Mr. Bon and his non-participation in the case, if the matter is insurance company driven, and the interpretation of Rule 60(b). Mr. Prince argued Deft. had full and fair opportunity to participate in the case, they made the decision not to participate in the litigation despite there being notice of it. There is a Federal law suit; they still can't find Deft. A letter was sent to Deft's. counsel, they are refusing to provide Deft's. address. There is a question as to who hired counsel. Mr. Volk argued Pltf. never exercised due diligence in trying to serve Deft. Pltf. and prior counsel had Deft's. address in the voluntary statement from the Nevada Highway Patrol statement; they had Deft's. employer and employer's address. They dropped off a letter at a community center run by the County that was returned as unclaimed.

COURT STATED FINDINGS, and ORDERED, Motion DENIED. There is ample evidence Court vetted and approved the way service took place; that is a resolved issue. There is ample evidence that there was notice on the part of the insurance company. COURT FINDS inexcusable neglect because we have neglect of the case, but there is not an excuse for it. Service was effectuated.

COURT DETERMINED there was diligence and allowed for service in an alternative way. There is no affidavit from Mr. Bon. Mr. Prince is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days. COURT ADVISED It fully expects Its decision to be challenged due to the amount of money at stake.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 08, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 08, 2020 9:00 AM Motion

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Prince, Dennis M	Attorney
	Strong, Kevin T.	Attorney
	Volk, William P	Attorney

JOURNAL ENTRIES

- Counsel appeared telephonically.

COURT NOTED, the dispute is specifically as to DMA. There is a challenge to the Court's prior Order, specifically regarding the language and it being inclusive of claims administrators, third party adjusters or any other insurance entity pursuant to NRS 21.320. Clarification is requested on the 08/20/19 Order. Mr. Prince stated the claims against Deft. Bon have been adjudicated, he is now a judgment debtor. Mr. Prince argued if his client has a viable claim it is not before the Court, Federal Court is entertaining various Motions. This is no violative of the Stay Order it is just determining the rights to be assigned. Another Court will determine the viability of the claim. Mr. Volk noted Mr. Prince did clarify and it is stated on page 3 and 4 in the Reply Brief Pltf is merely seeking to confirm that Court judicially assigns all of Bon's claims against any culpable insurance company or insurance entity including third party claims, administrators or adjusters. Mr. Volk requested the Court clarify It's previous ruling as stated by Pltf. as that would essentially get that out of the way.

COURT STATED FINDING ORDERED, Motion GRANTED and CLARIFIED it was the Court's intention to assign any options Mr. Bon might have had for claims. Mr. Prince's point is well taken

that any effort to sort of get in the way of some collection by Pltf. is detrimental to the Deft. not positive to Deft. COURT'S INTENTION was to allow the assignment of claims such as being sought here against DMA. Mr. Prince is to submit an Amended Order with the broader language. Colloquy regarding the competing Orders submitted for the Motion to Set Aside Default. COURT DIRECTED counsel to resubmit the Orders through the new order system and communicate with the Court's staff when they are submitted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

November 24, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

November 24, 2020 9:00 AM Motion to Rehear

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT: Polsenberg, Daniel F. Attorney
Prince, Dennis M Attorney
Smith, Abraham G. Attorney
Volk, William P Attorney

JOURNAL ENTRIES

- Counsel appeared telephonically.

Extensive arguments by counsel regarding Pltf's. attempts at service upon Deft. Bon, the contact information Mr. Bon provided following the accident, Mr. Bon's transient status, and Deft's. standing as a permissive user of the vehicle; he was not a policy holder. Additional arguments regarding the rules the Court should apply and Deft's. counsel's relationship as counsel for the insurance company.

COURT ADVISED, It is DECLINING to GRANT the Motion and STATED FINDINGS. We have assessed these efforts at different times and in different ways for different reasons questioning if there should have been a Default Judgment and if the Default Judgment should have been at the amount that it is at. Court does NOT see a sufficient basis here that due diligence was lacking. There was for the Court's prospective appropriate due diligence. COURT STATED FURTHER FINDINGS. COURT does NOT believe an Evidentiary Hearing is necessary, It does not really believe these factors into the dispute. Court does NOT FIND the judgment void, COURT FINDS that there was appropriate, diligent efforts to serve and that substitute service was appropriate based upon the totality of the

circumstance here, notwithstanding the fact that there could have been additional efforts.

ADDITIONAL FINDINGS STATED. Court does NOT think that there is any traction for any argument that the pleading of jurisdictional minimums now somehow now binds parties to the minimums for default. Mr. Prince is to prepare the Order, provide a copy to opposing counsel for review as form and content, and return it back to the Court within 10 days.

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):

AMENDED NOTICE OF APPEAL; AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT BLAS BON'S MOTION TO SET ASIDE DEFAULT JUDGMENT; NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S MOTION TO SET ASIDE DEFAULT JUDGMENT; ORDER DENYING DEFENDANT BLAS BON'S MOTION FOR REHEARING AND TO ALTER OR AMEND THE JUDGMENT AND ORDER DENYING RULE 60(B) RELIEF; NOTICE OF ENTRY OF "ORDER DENYING DEFENDANT BLAS BON'S MOTION FOR REHEARING AND TO ALTER OR AMEND THE JUDGMENT AND ORDER DENYING RULE 60(B) RELIEF"; DISTRICT COURT MINUTES

DIANE SANCHEZ,

Plaintiff(s),

vs.

BLAS BON,

Defendant(s),

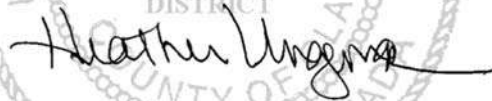
Case No: A-15-722815-C

Dept No: XXV

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 29 day of September 2021.

Steven D. Grierson, Clerk of the Court

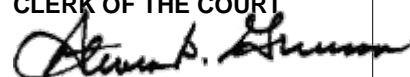


Heather Ungermann, Deputy Clerk

NBIS 000750

EXHIBIT 15

EXHIBIT 15



LIPSON NEILSON P.C.
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
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*Attorneys for Defendants,
NationsBuilders Insurance Services, Inc.,
NBIS Construction & Transport Insurance Services, Inc.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DIANE SANCHEZ,

Plaintiff,

vs.

ATX PREMIER INSURANCE COMPANY
now known as WINDHAVEN NATIONAL
INSURANCE COMPANY, a foreign
corporation; NATIONSBUILDERS
INSURANCE SERVICES, INC., a foreign
corporation; NBIS CONSTRUCTION &
TRANSPORT INSURANCE SERVICES,
INC., a foreign corporation; DMA CLAIMS
MANAGEMENT, INC., a foreign
corporation; BLAS BON, an individual;
DOES I-X; and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No: A-19-805351-C
Dept. No.: XIII

**DEFENDANTS NATIONSBUILDERS
INSURANCE SERVICES, INC. AND
NBIS CONSTRUCTION &
TRANSPORT SERVICES, INC.'S
RENEWED MOTION TO STAY
PROCEEDINGS**

HEARING REQUESTED

Defendants Nationsbuilders Insurance Services, Inc. ("NBIS") and NBIS
Construction & Transport Services, Inc. ("CTIS"), by and through their counsel of record,
Lipson Neilson P.C., hereby submit this Renewed Motion to Stay Proceedings
("Renewed Motion"). The Renewed Motion is made and based upon the accompanying
Memorandum of Points and Authorities, and any exhibits attached thereto, which this

1 Court may consider through judicial notice pursuant to NRS 47.130, *et. seq.*, the
2 pleadings and papers on file with the Court, and any oral argument of counsel at the
3 time of hearing on the matter.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. INTRODUCTION/RELEVANT STATEMENT OF FACTS**

6 On July 22, 2021, NBIS and CTIS filed a motion to dismiss Plaintiff Diane
7 Sanchez's ("Sanchez") Second Amended Complaint, or alternatively, to stay litigation
8 pending the adjudication of the appeal in the underlying personal injury action. During
9 the August 23, 2021 hearing on the motion, this Court noted that the motion to stay
10 was not ripe because the Supreme Court had recently issued an Order to Show Cause,
11 addressing a potential jurisdictional defect in the appeal. Thus, while recognizing that a
12 viable appeal could serve as a basis to stay proceedings, this Court denied the first
13 motion to stay without prejudice and indicated that NBIS and CTIS could renew the
14 motion "after the dust settles as to whether or not there is an appeal." See Minutes,
15 attached hereto as **Exhibit 1**; see *also* Notice of Entry of Order, attached hereto as
16 **Exhibit 2**.

17 The dust has settled and the appeal is moving forward. On October 1, 2021, the
18 Supreme Court filed an order confirming that Appellant Blas Bon had provided a copy
19 of the district court's written order denying the motion to alter or amend the judgment,
20 and directing the appeal to proceed accordingly. See Order Reinstating Briefing,
21 attached hereto as **Exhibit 3**. Briefing was reinstated, and Appellant's opening brief is
22 now due November 30, 2021. *Id.*

23 With the procedural issue that previously concerned this Court resolved, NBIS
24 and CTIS renew their motion to stay proceedings pending final adjudication of Blas
25 Bon's appeal. The outcome of the appeal will be determinative of Plaintiff's ability to
26 maintain her bad faith action against the defendants. A stay protects the judicial
27 resources of this Court and preserves the time and expense incurred by the parties,
28 who are already engaged in discovery disputes over damages that are speculative at

1 best. Allowing the bad faith action to proceed during the pendency of the appeal could
2 result in the defendants being held liable for bad faith even though the Supreme Court
3 may determine that the trial court erred in failing to set aside the default judgment in the
4 first place. There is simply no support for this prejudicial and anomalous result.

5 Finally, this Court recently granted Defendant Windhaven National Insurance
6 Company's ("Windhaven") motion to stay pursuant to Tex. Ins. Code § 443.008(b) for
7 the duration of the liquidation proceeding pending in the District Court of Travis County,
8 Texas, case number D-1-GN-20-001052. The stay currently does not extend to
9 Sanchez's claims against NBIS and CTIS, however, principles of equity and fairness
10 weigh in favor of the Court considering the Windhaven stay as another basis for
11 granting this Renewed Motion. While NBIS and CTIS strongly dispute Sanchez's
12 allegations, Sanchez has placed all of the defendants in the same bucket, making it
13 nearly impossible to adjudicate claims against the defendants without also adjudicating
14 Windhaven's affirmative defenses and potential liability for Sanchez's damages. For all
15 these reasons, discussed further below, Defendants respectfully request that the Court
16 grant its Renewed Motion to Stay Proceedings.

17 **II. LEGAL ARGUMENT**

18 **A. Litigation Must be Stayed Because Sanchez's Bad Faith Claim is Not**
19 **Ripe until the Appellate Process is Complete.**

20 Bad faith claims, like claims for professional negligence, are not ripe until the
21 appellate process is complete. *Branch Banking & Tr. Co. v. Nev. Title Co.*, No. 2:10-
22 CV-1970 JCM (RJJ), 2011 U.S. Dist. LEXIS 40948, at *10 (D. Nev. Apr. 13, 2011)
23 ("Plaintiff asserts a claim for bad faith ... However, this claim is not ripe until the appeal
24 process is complete."), citing *Barnes v. Allstate Ins. Co.*, No. 8:10-cv-2434-T-30MAP,
25 2010 U.S. Dist. LEXIS 138340, at *6-7 (M.D. Fla. Dec. 28, 2010) and *Premcor USA,*
26 *Inc. v. Am. Home Assurance Co.*, 400 F.3d 523, 529 (7th Cir. 2005); see also *Semenza*
27 *v. Nevada Medical Liability Ins. Co.*, 765 P.2d 184, 186, 104 Nev. 666, 668 (Nev., 1988)
28 (legal malpractice claim does not accrue when appeal pending).

1 The rationale behind this principal is simple: a litigant must have an injury that is
2 “real and concrete rather than speculative and hypothetical” before she seeks judicial
3 resolution of her claims. *Scott v. Pasadena Unified Sch. Dist.*, 306 F.3d 646, 662 (9th
4 Cir. 2002), citing *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1139
5 (9th Cir. 2000). Adjudication is premature if a claim “rests upon contingent future
6 events that may not occur as anticipated, or indeed may not occur at all.” *Id.* (internal
7 citations omitted); see also *W. Side Salvage v. Rsui Indem. Co.*, No. 13-cv-0363-MJR-
8 PMF, 2014 U.S. Dist. LEXIS 203089, at *7 (S.D. Ill. Mar. 31, 2014) (internal quotations
9 omitted), interpreting *Branch Banking*, 2011 U.S. Dist. LEXIS 40948 (“since the
10 appellate court could return a favorable outcome for the insured, the matter rest[s]
11 upon contingent events that may not occur.”)

12 In bad faith litigation, the essence of the suit “is that the insurer breached its duty
13 to its insured by failing to properly or promptly defend the claim ... – all of which results
14 in the insured being exposed to an excess judgment.” *Romano v. Am. Cas. Co.*, 834
15 F.2d 968, 969 (11th Cir. 1987). If the judgment is reversed on appeal, however, “the
16 insured is no longer exposed to any loss in excess of the limits of his liability insurance
17 policy, [and] he no longer has any claim he might previously have had against his
18 insurance company for bad faith...” *Id.* In other words, “[i]f the appeal is successful, [the
19 claim] ... will be moot.” *W. Side Salvage*, 2014 U.S. Dist. LEXIS 203089, at *7, citing
20 *Torrez v. State Farm Mut. Auto. Ins. Co.*, 705 F.2d 1192, 1202 (10th Cir. 1982) (bad
21 faith claim did not accrue until after underlying litigation ended). Therefore, to avoid a
22 premature judgment in the bad faith action, and to conserve judicial time and
23 resources, courts should refrain from acting during the pendency of the appeal.
24 *Premcor USA*, 400 F.3d at 530 (“As the underlying state action remains pending on
25 appeal in the Illinois courts, Premcor is correct - the district court acted precipitously.”)

26 Here, the district court awarded Sanchez a multi-million dollar default judgment
27 against Blas Bon in an underlying personal injury action. The district court also granted
28 Sanchez’s motion for judicial assignment of any claims that Bon might have had

1 against Windhaven “or any other applicable insurer” pursuant to NRS 21.320. SAC ¶¶
2 64-65. Armed with the assignment, Sanchez filed the instant bad faith action. However,
3 only a few months after Sanchez filed, Bon filed a motion to alter or amend the default
4 judgment in the personal injury lawsuit. The district court denied the motion and Bon
5 appealed accordingly. The appeal has been pending since October 2020.

6 Over the past nine months, the defendants have made multiple requests to stay
7 litigation based on their well-founded belief that the outcome of the appeal could
8 materially alter both their individual and shared liability (if any) in the instant bad faith
9 action. During the February 2021 hearing on DMA’s motion to dismiss and motion to
10 stay, the Court indicated that changes in the procedural status of the appeal could give
11 rise to a renewed motion. Specifically, the Court held as follows:

12 The Court: The posture of this case is – is pretty early. I mean, I know it was
13 in Federal Court and everything else, but now it’s proceeding here. I don’t
14 think there’s ever been a joint case conference yet. So if and when further
15 development in this case, by matter of motion practice or whatever,
16 scheduling of a settlement conference in the Supreme Court, if you
believe at that time, that a stay is ripe, then I will – my order denying the
stay is without prejudice to you presenting that contention at the
appropriate time.

17 See Recorder’s Transcript of Hearing Re: DMA Claims Management, Inc.’s
18 Motion to Dismiss First Amended Complaint or, Alternatively, Motion to Stay Pending
19 Outcome of Underlying Litigation dated February 24, 2021 Hearing, p. 16:17 – 25. After
20 that February 2021 hearing, Sanchez and Bon attended an NRAP 16 settlement
21 conference before Judge Jennifer Togliatti and did not reach a settlement. Briefing was
22 reinstated on appeal, and NBIS and CTIS moved to stay the bad faith action again.

23 However, in late July 2021, the Supreme Court issued the Order to Show Cause
24 discussed earlier in this brief. NBIS and CTIS had already filed their motion to stay by
25 that time. During the August 23, 2021 hearing, this Court denied the motion as
26 premature as it was possible that the Supreme Court would dismiss the appeal for lack
27 of jurisdiction. Ex. 1. However, that did not happen. In fact, the Supreme Court
28 approved the appeal to move forward and reset the briefing schedule. Ex. 3.

1 There are no additional issues, or unresolved procedural questions, that warrant
2 denying the request to stay for a third time. The appeal will move forward in normal
3 course and may not be finally adjudicated for years. In the interim, Sanchez would
4 have this Court force the defendants through costly bad faith litigation over a judgment
5 that the Supreme Court may ultimately determine should have been altered or set
6 aside. The hardship to the defendants in this scenario cannot be understated, and
7 increases each day that they are forced to participate in discovery. Therefore, NBIS
8 and CTIS respectfully request that this Court grant a stay of proceedings as to all
9 defendants pending final adjudication of Blas Bon's appeal.

10 **B. Litigation Should Also Be Stayed Because the Bad Faith Action Cannot**
11 **be Fairly and Equitably Litigated Without Windhaven's Participation.**

12 This Court recently granted Windhaven's motion to stay pursuant to the Texas
13 injunction barring actions against Windhaven for the duration of the liquidation
14 proceeding pending in the District Court of Travis County, Texas. The stay currently
15 applies only to Sanchez's claims against Windhaven, however, principles of equity and
16 fairness weigh in favor of the Court considering the Windhaven stay as a secondary
17 basis for granting this Renewed Motion.

18 ATX Premier Insurance Company ("ATX") issued the personal automobile
19 insurance policy at the heart of Sanchez's bad faith action. NBIS was, at one time, the
20 parent company for ATX. However, in or around April 2016, Windhaven purchased
21 ATX from NBIS, and ATX and Windhaven are now the same company. See
22 Windhaven's Reply to Plaintiff's Opposition to Motion to Stay ("As outlined above and
23 in the moving papers, [Windhaven] has demonstrated that the company that issued the
24 policy in question IS the same insurer now in liquidation.") The terms of that purchase,
25 specifically as they relate to the "financial responsibility for claims relating to insurance
26 policies that were issued prior to the sale," will be a significant issue throughout
27 discovery. See SAC ¶ 31.

28 ///

This issue cannot be fully explored or adjudicated without Windhaven's participation in litigation. Neither NBIS nor CTIS can defend against Plaintiff's claims without implicating ATX/Windhaven's defenses and potentially its property, or otherwise bearing on ATX/Windhaven's potential liability for Plaintiff's damages. In fact, a court order or jury verdict finding that Windhaven was "financially responsible" for some or all of Sanchez's damages (assuming for a moment that those damages ever become real and concrete), would violate the Texas injunction, which specifically prohibits any party from obtaining any judgment against Windhaven or its property, except as permitted by the Insurer Receivership Act. Therefore, to comply with the Texas injunction and to protect against the unfair and inequitable adjudication of Sanchez's claims, the stay must necessarily extend to the remaining defendants whose liability has been inextricably intertwined with ATX/Windhaven by virtue of the allegations in the Second Amended Complaint.

III. CONCLUSION

Based on the foregoing arguments, NBIS and CTIS respectfully request that this Court grant their Renewed Motion and stay proceedings based upon (1) the pending the final adjudication of Blas Bon's appeal, Supreme Court Case No. 81983; and (2) the order granting Windhaven's motion to stay.

DATED this 14th day of October, 2021.

LIPSON NEILSON P.C.

/s/ Megan H. Thongkham

By:

Joseph P. Garin, Esq. (NV Bar No. 6653)
Megan H. Thongkham, Esq. (NV Bar No. 12404)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Defendants,
NationsBuilders Insurance Services, Inc.,
NBIS Construction & Transport Insurance Services, Inc.*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 14th day of October, 2021, I electronically served the foregoing **DEFENDANTS NATIONSBUILDERS INSURANCE SERVICES, INC. AND NBIS CONSTRUCTION & TRANSPORT SERVICES, INC.'S RENEWED MOTION TO STAY PROCEEDINGS** to the following parties utilizing the Court's E-File/ServeNV System:

Dennis M. Prince, Esq. Kevin T. Strong, Esq. PRINCE LAW GROUP 10801 West Charleston Blvd., Suite 560 Las Vegas, NV 89135 eservice@thedplg.com <i>Attorneys for Plaintiff,</i> <i>Diane Sanchez</i>	John H. Podesta, Esq. Chris Richardson, Esq. WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP 525 Market Street, 17th Floor San Francisco, CA 94105-2725 John.Podesta@wilsonelser.com Chris.Richardson@wilsonelser.com <i>Attorneys for Defendants</i> <i>Windhaven National Insurance Company,</i> <i>Windhaven National Insurance Company</i> <i>fka ATX Premier Insurance</i>
Robert E. Schumacher, Esq. Wing Yan Wong, Esq. GORDON REES SCULLY MANSUKHANI, LLP 300 South 4 th Street, Suite 1550 Las Vegas, Nevada 89101 rschumacher@grsm.com wwong@grsm.com <i>Attorneys for Defendant,</i> <i>DMA CLAIMS MANAGEMENT, INC.,</i> <i>erroneously sued as DMA CLAIMS INC.</i>	

/s/ Brenda Correa

An Employee of LIPSON NEILSON P.C.

EXHIBIT 1

EXHIBIT 1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Insurance Carrier

COURT MINUTES

August 23, 2021

A-19-805351-C	Diane Sanchez, Plaintiff(s) vs. ATX Premier Insurance Company, Defendant(s)
---------------	---

August 23, 2021 9:00 AM All Pending Motions

HEARD BY: Denton, Mark R. **COURTROOM:** RJC Courtroom 03D

COURT CLERK: Madalyn Kearney

RECORDER: Jennifer Gerold

PARTIES

PRESENT:	Prince, Dennis M Thongkham, Megan H	Attorney for Plaintiff Attorney for Defendants NBIS Construction and Transport Insurance Services Inc and Nationbuilders Insurance Services Inc
-----------------	--	--

JOURNAL ENTRIES

PLAINTIFF DIANE SANCHEZ'S MOTION TO SERVE DEFENDANT BLAS BON BY PUBLICATION...DEFENDANTS NATIONBUILDERS INSURANCE SERVICES, INC. AND NBIS CONSTRUCTION & TRANSPORT SERVICES, INC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT, OR IN THE ALTERNATIVE, MOTION TO STAY PROCEEDINGS

Abraham Smith, Esq. present for Blas Bon. John Podesta, Esq. present for Defendant ATX Premier Insurance Company. Robert Schumacher, Esq. present for Defendant DMA Claims Management Inc. Counsel present via BlueJeans.

Court noted it did not receive an opposition to the Motion to Serve by Publication. Colloquy regarding the impact of granting the Motion to Stay on the Motion to Serve. COURT ORDERED, Plaintiff Diane Sanchez's Motion to Serve Defendant Blas Bon by Publication GRANTED. Mr. Prince to prepare the order. Court advised the Second Amended Complaint does not fail to state a claim upon which relief can be granted. Following arguments by Ms. Thongkham and Mr. Prince, Court

PRINT DATE: 08/23/2021

Page 1 of 2

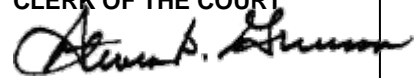
Minutes Date: August 23, 2021

NBIS 000760

noted it is not clear if there is a viable appeal at this time and the stay motion is not ripe. COURT FURTHER ORDERED, Defendants Nationsbuilders Insurance Services, Inc. and NBIS Construction & Transport Services, Inc's Motion to Dismiss Second Amended Complaint, or in the Alternative, Motion to Stay Proceedings DENIED WITHOUT PREJUDICE to renewal after the dust settles as to whether or not there is an appeal. Mr. Prince to prepare the order.

EXHIBIT 2

EXHIBIT 2



1 **NEOJ**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
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9 Las Vegas, NV 89135
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13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

12 DIANE SANCHEZ,
13
14 Plaintiff,

15 vs.

16 ATX PREMIER INSURANCE COMPANY
17 now known as WINDHAVEN NATIONAL
18 INSURANCE COMPANY, a foreign
19 corporation; NATIONSBUILDERS
20 INSURANCE SERVICES, INC., a foreign
21 corporation; NBIS CONSTRUCTION &
22 TRANSPORT INSURANCE SERVICES,
23 INC., a foreign corporation; DMA CLAIMS
24 MANAGEMENT, INC., a foreign
25 corporation; BLAS BON, an individual;
26 DOES I-X; and ROE CORPORATIONS I-X,
27 inclusive,

28 Defendants.

Case No. A-19-805351-C
Dept. No. XIII

NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS
NATIONSBUILDERS
INSURANCE SERVICES, INC.
AND NBIS CONSTRUCTION &
TRANSPORT INSURANCE
SERVICES, INC.'S MOTION TO
DISMISS SECOND AMENDED
COMPLAINT, OR IN THE
ALTERNATIVE, MOTION TO
STAY PROCEEDINGS



1 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS**
2 **NATIONSBUILDERS INSURANCE SERVICES, INC. AND NBIS**
3 **CONSTRUCTION & TRANSPORT INSURANCE SERVICES, INC.'S MOTION**
4 **TO DISMISS SECOND AMENDED COMPLAINT, OR IN THE ALTERNATIVE,**
5 **MOTION TO STAY PROCEEDINGS**

6 PLEASE TAKE NOTICE that the Order Denying Defendants Nationsbuilders
7 Insurance Services, Inc. and NBIS Construction & Transport Insurance Services, Inc.'s
8 Motion to Dismiss Second Amended Complaint or in the Alternative, Motion to Stay
9 Proceedings was entered on the 15th day of September, 2021 in the above-referenced
10 matter, a copy of which is attached hereto.

11 DATED this 15th day of September, 2021.

12 **PRINCE LAW GROUP**

13 */s/ Kevin T. Strong*

14 _____
15 DENNIS M. PRINCE
16 Nevada Bar No. 5092
17 KEVIN T. STRONG
18 Nevada Bar No. 12107
19 10801 West Charleston Boulevard
20 Suite 560
21 Las Vegas, Nevada 89135
22 Attorneys for Plaintiff
23 *Diane Sanchez*



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of **PRINCE LAW**
3 **GROUP**, and that on the 15th day of September, 2021, I caused the foregoing document
4 entitled **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS**
5 **NATIONSBUILDERS INSURANCE SERVICES, INC. AND NBIS**
6 **CONSTRUCTION & TRANSPORT INSURANCE SERVICES, INC.'S MOTION**
7 **TO DISMISS SECOND AMENDED COMPLAINT, OR IN THE ALTERNATIVE,**
8 **MOTION TO STAY PROCEEDINGS** to be served upon those persons designated by
9 the parties in the E-Service Master List for the above-referenced matter in the Eighth
10 Judicial District Court E-Filing System in accordance with the mandatory electronic
11 service requirements of Administrative Order 14-2 and the Nevada Electronic Filing
12 and Conversion Rules.

13 Robert E. Schumacher
14 Wing Yan Wong
15 **GORDON REES SCULLY MANSUKHANI, LLP**
16 300 South 4th Street, Suite 1550
17 Las Vegas, Nevada 89101
18 Tel: (702) 577-9300
19 Fax: (702) 255-2858
20 Attorneys for Defendant
21 *DMA Claims Management, Inc.*

22 John H. Podesta
23 Christopher Phipps
24 **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP**
25 300 South 4th Street, Suite 1100
26 Las Vegas, Nevada 89101
27 Tel: (702) 727-1400
28 Fax: (702) 727-1401
Attorneys for Defendant
ATX Premier Insurance now known as
Windhaven National Insurance Company

26 /s/ Amy Ebinger

27 An Employee of Prince Law Group

ORDR
DENNIS M. PRINCE
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Email: eservice@thedplg.com
Attorneys for Plaintiff
Diane Sanchez

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

DIANE SANCHEZ,

Plaintiff,

Case No. A-19-805351-C
Dept. No. XIII

vs.

ATX PREMIER INSURANCE COMPANY
now known as WINDHAVEN NATIONAL
INSURANCE COMPANY, a foreign
corporation; NATIONSBUILDERS
INSURANCE SERVICES, INC., a foreign
corporation; NBIS CONSTRUCTION &
TRANSPORT INSURANCE SERVICES,
INC., a foreign corporation; DMA CLAIMS
MANAGEMENT, INC., a foreign
corporation; BLAS BON, an individual;
DOES I-X; and ROE CORPORATIONS I-
X, inclusive,

Defendants.

**ORDER DENYING DEFENDANTS
NATIONSBUILDERS INSURANCE
SERVICES, INC. AND NBIS
CONSTRUCTION & TRANSPORT
INSURANCE SERVICES, INC.'S
MOTION TO DISMISS SECOND
AMENDED COMPLAINT, OR IN
THE ALTERNATIVE, MOTION TO
STAY PROCEEDINGS**

Defendants NationsBuilders Insurance Services, Inc. and NBIS Construction &
Transport Insurance Services, Inc.'s Motion to Dismiss Second Amended Complaint, or
in the Alternative, Motion to Stay Proceedings was brought for hearing in Department
XIII of the Eighth Judicial District Court, on the 23rd day of August, 2021, before the
Honorable Judge Mark R. Denton, with Dennis M. Prince of PRINCE LAW GROUP,

NBIS 000766



1 appearing on behalf of Plaintiff Diane Sanchez; Megan H. Thongkham of LIPSON
2 NEILSON P.C., appearing on behalf of Defendants NationsBuilders Insurance Services,
3 Inc. and NBIS Construction & Transport Insurance Services, Inc.; John H. Podesta of
4 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, appearing on behalf of
5 Windhaven National Insurance Company, formerly known as ATX Premier Insurance
6 Company; and Robert E. Schumacher of GORDON REES SCULLY MANSUKHANI,
7 LLP, appearing on behalf of Defendant DMA Claims Management, Inc. The Court
8 having reviewed the pleadings and papers on file herein, having heard oral argument,
9 and being duly advised in the premises.

ORDER

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendants
11 NationsBuilders Insurance Services, Inc. and NBIS Construction & Transport
12 Insurance Services, Inc.'s Motion to Dismiss Second Amended Complaint is **DENIED**.

13 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendants
14 NationsBuilders Insurance Services, Inc. and NBIS Construction & Transport
15 Insurance Services, Inc.'s alternative Motion to Stay Proceedings is **DENIED**, without
16 prejudice, as the request for a stay is not ripe. The motion to stay may be renewed once
17 a final determination is made on the Order to Show Cause filed July 29, 2021 (Docket
18 No. 21-2197) in Defendant Blas Bon's appeal, Supreme Court Case No. 81983.

Dated this 14th day of September, 2021

19 **IT IS SO ORDERED.**

20
21 DATED this 14th day of September, 2021.

22 Respectfully Submitted By:

23 **PRINCE LAW GROUP**

24 /s/ Kevin T. Strong

25 DENNIS M. PRINCE

26 Nevada Bar No. 5092

27 KEVIN T. STRONG

28 Nevada Bar No. 12107

10801 West Charleston Boulevard

Suite 560

Las Vegas, Nevada 89135

Attorneys for Plaintiff

Diane Sanchez

20
21 DATED this 14th day of September, 2021.

22 Approved as to Form and Content:

23 **LIPSON, NEILSON, P.C.**

24 /s/ Megan H. Thongkham

25 JOSEPH P. GARIN

26 Nevada Bar No. 6653

27 MEGAN H. THONGKHAM

28 Nevada Bar No. 12404

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Las Vegas, Nevada 89144

Attorneys for Defendants

NBIS and CTIS

DATED this 14th day of September, 2021.

Approved as to Form and Content:

**GORDON REES SCULLY
MANSUKHANI, LLP**

/s/ Robert E. Schumacher
ROBERT E. SCHUMACHER
Nevada Bar No. 7504
WING YAN WONG
Nevada Bar No. 13622
300 South 4th Street
Suite 1550
Las Vegas, Nevada 89101
Attorneys for Defendant
DMA Claims Management, Inc.

DATED this 14th day of September, 2021.

Approved as to Form and Content:

**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**

/s/ John H. Podesta
JOHN H. PODESTA
Nevada Bar No. 7487
CHRIS RICHARDSON
Nevada Bar No. 9166
6689 Las Vegas Boulevard South
Suite 200
Las Vegas, Nevada 89119
Attorneys for Defendant
*ATX Premier Insurance Company n/k/a
Windhaven National Insurance Company*

From: [Robert Schumacher](#)
To: [Kevin Strong](#)
Cc: [Podesta, John](#); [Megan Thongkham](#); [Dennis Prince](#); [Amy Ebinger](#); [Debra Marquez](#)
Subject: Re: Sanchez v. NBIS et al. - Proposed Orders and hearing on Plaintiff's Motion to Compel
Date: Tuesday, September 14, 2021 12:36:10 PM

No

Sent from my iPhone
Robert E. Schumacher, Esq.—Partner
Gordon Rees Scully Mansukhani, LLP

> On Sep 14, 2021, at 11:51 AM, Kevin Strong <kstrong@thedplg.com> wrote:

>

> Thank you, Robert. Any objection to the proposed orders?

>

> Kevin T. Strong | Attorney

> PRINCE LAW GROUP

> 10801 West Charleston Boulevard, Suite 560

> Las Vegas, Nevada 89135

> P: 702.534.7600 | F: 702.534-7601

> kstrong@thedplg.com | [https://urldefense.com/v3/_http://www.thedplg.com_!!Nz4wtPUZ-ZE!Mc0dG2TcpUNp8g06MXIUXkFjPg74Hlh0FAPRpYGibHNxpI3kmer0_j4zjPdWSjo\\$](https://urldefense.com/v3/_http://www.thedplg.com_!!Nz4wtPUZ-ZE!Mc0dG2TcpUNp8g06MXIUXkFjPg74Hlh0FAPRpYGibHNxpI3kmer0_j4zjPdWSjo$)

>

>

> -----Original Message-----

> From: Robert Schumacher <rschumacher@grsm.com>

> Sent: Tuesday, September 14, 2021 11:49 AM

> To: Podesta, John <John.Podesta@wilsonelser.com>

> Cc: Kevin Strong <kstrong@thedplg.com>; Megan Thongkham <MThongkham@lipsonneilson.com>; Dennis Prince <dprince@thedplg.com>; Amy Ebinger <aebinger@thedplg.com>; Debra Marquez <DMarquez@lipsonneilson.com>

> Subject: Re: Sanchez v. NBIS et al. - Proposed Orders and hearing on Plaintiff's Motion to Compel

>

> No objection from me either.

>

> Sent from my iPhone

> Robert E. Schumacher, Esq.—Partner

> Gordon Rees Scully Mansukhani, LLP

>

>

> On Sep 14, 2021, at 11:42 AM, Podesta, John <John.Podesta@wilsonelser.com> wrote:

>

>

> No. I don't have a dog in that fight

>

> John Podesta

> Attorney at Law

> Wilson Elser Moskowitz Edelman & Dicker LLP

> 525 Market Street - 17th Floor

> San Francisco, CA 94105-2725

> 415.625.9258 (Direct)

> 415.433.0990 (Main)

> 415.434.1370 (Fax)

NBIS 000769

From: [Podesta, John](#)
To: [Megan Thongkham](#); [Kevin Strong](#); [Robert Schumacher](#)
Cc: [Dennis Prince](#); [Amy Ebinger](#); [Debra Marquez](#)
Subject: RE: Sanchez v. NBIS et al. - Proposed Orders and hearing on Plaintiff's Motion to Compel
Date: Tuesday, September 14, 2021 9:47:07 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Same here

John Podesta
Attorney at Law
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john.podesta@wilsonelser.com

From: Megan Thongkham [mailto:MThongkham@lipsonneilson.com]
Sent: Tuesday, September 14, 2021 9:45 AM
To: Kevin Strong <kstrong@thedplg.com>; Podesta, John <John.Podesta@wilsonelser.com>; Robert Schumacher <rschumacher@grsm.com>
Cc: Dennis Prince <dprince@thedplg.com>; Amy Ebinger <aebinger@thedplg.com>; Debra Marquez <DMarquez@lipsonneilson.com>
Subject: RE: Sanchez v. NBIS et al. - Proposed Orders and hearing on Plaintiff's Motion to Compel

[EXTERNAL EMAIL]

Hi Kevin,

Thanks – you may use my electronic signature.

Please note my new email address: mthongkham@lipsonneilson.com



Megan H. Thongkham, Esq.
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(702) 382-1512 (fax)
E-Mail: mthongkham@lipsonneilson.com

NBIS 000770

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-19-805351-C

7 vs.

DEPT. NO. Department 13

8 ATX Premier Insurance
9 Company, 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 Denying Motion was served via the court's electronic eFile
14 system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 9/14/2021

15 Debra Marquez

dmarquez@lipsonneilson.com

16 Brenda Correa

bcorrea@lipsonneilson.com

17 Efile LasVegas

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18 Sean Owens

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NBIS 000771

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3	Eservice Filing	eservice@thedplg.com
4	Katrina Leaver	KLeaver@lipsonneilson.com
5	E-serve GRSM	WL_LVSupport@grsm.com
6	Megan Thongkham	mthongkham@lipsonneilson.com
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EXHIBIT 3

EXHIBIT 3

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLAS BON,
Appellant,
vs.
DIANE SANCHEZ,
Respondent.

No. 81983

FILED

OCT 01 2021

ORDER REINSTATING BRIEFING

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

This is an appeal from an order denying appellant's motion to set aside a default judgment. Because the notice of appeal appeared to have been prematurely filed after the timely filing of a tolling motion and before the tolling motion had been resolved, this court ordered appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellant has responded and provides this court with the district court's written order denying the motion to alter or amend the judgment. Accordingly, this appeal may proceed. NRAP 4(a)(6).

The briefing schedule is reinstated as follows. Appellant shall have 14 days from the date of this order to file and serve the transcript request form or certificate of no transcript request pursuant to NRAP 9(a). Appellant shall have 60 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

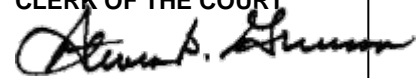
It is so ORDERED.

[Signature], C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas
Holley Driggs/Las Vegas
Prince Law Group

EXHIBIT 16

EXHIBIT 16



Electronically Filed
Oct 27 2021 03:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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19 *Attorneys for Defendant Blas Bon*

20 DISTRICT COURT
21 CLARK COUNTY, NEVADA

22 DIANE SANCHEZ,
23
24 Plaintiff,

25 *vs.*

26 BLAS BON, individually; JOSEPH
27 ACOSTA, individually; WILFREDO
28 ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**SECOND AMENDED
NOTICE OF APPEAL**

SECOND AMENDED NOTICE OF APPEAL

Please take notice that defendant Blas Bon hereby appeals to the Supreme Court of Nevada from:

1. All judgments and orders in this case;
2. "Order Denying Defendant Blas Bon's Motion to Set Aside Default Judgment, filed September 19, 2020, notice of entry of which was served electronically on September 21, 2020 (Exhibit A);

3. “Order Denying Defendant Blas Bon’s Motion for Rehearing and to Alter or Amend the Judgment and Denying Rule 60(b) Relief,” filed on September 16, 2021, notice of entry of which was served electronically on September 20, 2021 (Exhibit B);

4. “Amended Order Granting Plaintiff’s Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance Company, Any Other Applicable Liability Insurer, Any Third-Party Claims Administrator, Any Third-Party Adjuster, or Any Other Insurance Entity,” filed September 16, 2021, notice of entry of which was served electronically on September 21, 2021 (Exhibit C); and

5. All judgments, rulings and interlocutory orders made appealable by the foregoing.

Dated this 21st day of October, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Daniel F. Polsenberg

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Attorneys for Defendant Blas Bon

CERTIFICATE OF SERVICE

I certify that on October 21, 2021, I served the foregoing “*Second Amended Notice of Appeal*” through the Court’s electronic filing system upon all parties on the master e-file and serve list.

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Kevin T. Strong
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E-mail: eservice@thedplg.com

Attorneys for Plaintiff Diane Sanchez

/s/ Emily D. Kopolnai
An Employee of Lewis Roca Rothgerber Christie LLP

EXHIBIT A

EXHIBIT A



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11 Email: eservice@thedplg.com
12 Attorneys for Plaintiff
13 Diane Sanchez

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

10 DIANE SANCHEZ,
11 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

12 vs.


13 BLAS BON, individually; JOSEPH
14 ACOSTA, individually; WILFREDO
15 ACOSTA, individually; DOES I-X and
16 ROE CORPORATIONS I-X, inclusive,
17 Defendants.

NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT BLAS
BON'S MOTION TO SET ASIDE
DEFAULT JUDGMENT

17 PLEASE TAKE NOTICE that an Order Denying Defendant Blas Bon's Motion to
18 Set Aside Default Judgment was entered on the 19th day of September, 2020 in the
19 above-referenced matter, a copy of which is attached hereto.

20 DATED this 21st day September, 2020.

21 **PRINCE LAW GROUP**

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27 10801 W. Charleston Blvd., Suite 560
28 Las Vegas, NV 89135
Attorneys for Plaintiff
Diane Sanchez

1
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
4 and that on the 4 day of September, 2020, I caused the foregoing document entitled
5 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S**
6 **MOTION TO SET ASIDE DEFAULT JUDGMENT** to be served upon those persons
7
8 designated by the parties in the E-Service Master List for the above-referenced matter
9 in the Eighth Judicial District Court eFiling System in accordance with the mandatory
10 electronic service requirements of Administrative Order 14-2 and the Nevada
11 Electronic Filing and Conversion Rules, as follows:

12 **WILLIAM P. VOLK**
13 **Holley Driggs**
14 **400 South Fourth Street**
15 **Third Floor**
16 **Las Vegas, Nevada 89101**
17 **Attorneys for Defendant**
18 ***Blas Bon***

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An Employee of Prince Law Group

1 **ORDER**
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13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

17 **DIANE SANCHEZ,**

18 Plaintiff,

19 vs.

20 **BLAS BON, individually; JOSEPH**
21 **ACOSTA, individually; WILFREDO**
22 **ACOSTA, individually; DOES I-X and**
23 **ROE CORPORATIONS I-X, inclusive,**

24 Defendants.

CASE NO. A-15-722815-C
DEPT. NO. XXV

ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT

25 Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for
26 hearing in Department XXV of the Eighth Judicial District Court, before the Honorable
27 Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin
28 T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ,
and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS
BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard
oral argument, and being duly advised in the premises:

...

...

¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.



1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has "wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable" under NRCP
10 60(b). *Dutango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff's process server attempted to locate Bon through
17 records searches with the Clark County Assessor's Office and Clark County Voter
18 Registration. Plaintiff's process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez's Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident report, and the November 2, 2015 DMV
27 letter to Bon's best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez's
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied



Sanchez v. Bon
Case No. A-15-722815-C
Order Denying Motion to Set Aside Default Judgment

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Compliance and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.
25 ...
26 ...
27 ...

28 ² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

Sanchez v. Bon
Case No. A-15-722815-C
Order Denying Motion to Set Aside Default Judgment

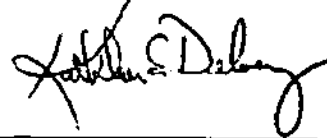
ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.


DATED 19th day of September, 2020.

Respectfully Submitted By:

~~Kathleen E. Driggs~~
District Court Judge
Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



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1 **CSERV**

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

5
6 **Diane Sanchez, Plaintiff(s)**

CASE NO: A-15-722815-C

7 **vs.**

DEPT. NO. Department 25

8 **Blas Bon, Defendant(s)**

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

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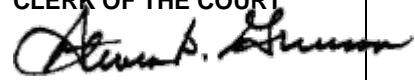
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EXHIBIT B

EXHIBIT B



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19 *Attorneys for Defendant Blas Bon*

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21 DISTRICT COURT
22 CLARK COUNTY, NEVADA

23 DIANE SANCHEZ,
24
25 Plaintiff,

26 *vs.*

27 BLAS BON, individually; JOSEPH
28 ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**NOTICE OF ENTRY OF "ORDER
DENYING DEFENDANT BLAS BON'S
MOTION FOR REHEARING AND TO
ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF"**

20 Please take notice that an "Order Denying Defendant Blas Bon's Motion
21 for Rehearing and to Alter or Amend the Judgment and Order Denying Rule
22 60(b) Relief" was entered on September 16, 2021. A copy of the order is at-
23 tached.
24
25
26
27
28

1 Dated this 20th day of September, 2021.

2 LEWIS ROCA ROTHGERBER CHRISTIE LLP

3
4 By: /s/Abraham G. Smith

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12 *Attorneys for Defendant Blas Bon*

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/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

Heather S. Smith
CLERK OF THE COURT

ORDER

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Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
8 Nev. 79, 80-81 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 52 (2010).

9 **THE COURT FURTHER FINDS** that Nevada allows service of process
10 on "resident motorists who have left the State or cannot be found within the
11 State" to be effectuated through the Nevada Department of Motor Vehicles
12 ("DMV"). Nev. Rev. Stat. 14.070(2), (6); *Browning v. Dixon*, 114 Nev. 213, 216
13 (1998).

14 **THE COURT FURTHER FINDS** that a plaintiff must exercise
15 reasonable diligence to search for the resident motorist defendant to effectuate
16 personal service before service of process may be effectuated through the DMV.
17 *Browning*, 114 Nev. at 216. The diligence required "is that which is reasonable
18 under the circumstances and not all possible diligence which may be conceived."
19 *Abreu v. Gilmer*, 115 Nev. 308, 312 (1999) (quoting *Parker v. Ross*, 217 P.2d
20 373, 379 (Utah 1950)).

21 **THE COURT FURTHER FINDS** that, in accordance with Nevada law,
22 this analysis must focus on the reasonableness of the due diligence efforts that
23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitute
7 service was made through the DMV by conducting standard process server
8 efforts, *to wit*: (1) attempted service at 3900 Cambridge Street, Suite 106, Las
9 Vegas, Nevada 89119, which was listed in the police report; and (2) records
10 searches with the Clark County Assessor's Office, Clark County Voter
11 Registration, local phone records, the DMV, and Premium Finder after learning
12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
17 information could have been used and would have been reasonable, the
18 existence of those other methods to effectuate personal service does not negate
19 the diligent efforts Sanchez undertook to locate Bon before effectuating service
20 of the summons and complaint through the DMV.

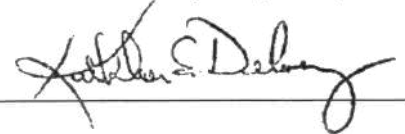
21 **THE COURT FURTHER FINDS** that although Bon was never served
22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
24 amended complaint on Bon because because the nature of the original
25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021



10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
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21 *Attorneys for Defendant Blas Bon*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/16/2021

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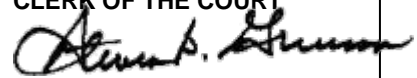
NBIS 000795

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EXHIBIT C

EXHIBIT C



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4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
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9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
11 Fax: (702) 534-7601
12 Email: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

11 DIANE SANCHEZ,
12
13 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

14 vs.

15 BLAS BON, individually; JOSEPH
16 ACOSTA, individually; WILFREDO
17 ACOSTA, individually; DOES I-X and
18 ROE CORPORATIONS I-X, inclusive,

19 Defendants.

20 **NOTICE OF ENTRY OF AMENDED ORDER GRANTING PLAINTIFF'S**
21 **MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF**
22 **CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS**
23 **AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER**
24 **APPLICABLE LIABILITY INSURER, ANY THIRD-PARTY CLAIMS**
25 **ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER**
26 **INSURANCE ENTITY**

27 PLEASE TAKE NOTICE that the Amended Order Granting Plaintiff's Motion
28 Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action
Defendant Blas Bon Has Against ATX Premier Insurance Company, Any Other
Applicable Liability Insurer, Any Third-Party Claims Administrator, Any Third-Party



1 Adjuster, or Any Other Insurance Entity was entered on the 21st day of September, 2021
2 in the above-referenced matter, a copy of which is attached hereto.

3 DATED this 21st day September, 2021.

4 **PRINCE LAW GROUP**

5 */s/ Kevin T. Strong*

6

DENNIS M. PRINCE

7 Nevada Bar No. 5092

8 KEVIN T. STRONG

9 Nevada Bar No. 12107

10 10801 W. Charleston Boulevard
Suite 560

11 Las Vegas, NV 89135

12 Attorneys for Plaintiff



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
3 and that on the 21st day of September, 2021, I caused the foregoing document entitled
4 **NOTICE OF ENTRY OF AMENDED ORDER GRANTING PLAINTIFF'S**
5 **MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF**
6 **CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS**
7 **AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER**
8 **APPLICABLE LIABILITY INSURER, ANY THIRD-PARTY CLAIMS**
9 **ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER**
10 **INSURANCE ENTITY** to be served upon those persons designated by the parties in
11 the E-Service Master List for the above-referenced matter in the Eighth Judicial
12 District Court eFiling System in accordance with the mandatory electronic service
13 requirements of Administrative Order 14-2 and the Nevada Electronic Filing and
14 Conversion Rules, as follows:
15

16 William P. Volk
17 Holley Driggs
18 400 South Fourth Street, Suite 300
19 Las Vegas, NV 89101
20 -And-
21 Daniel F. Polsenberg
22 Joel D. Henriod
23 Lewis Roca Rothgerber Christie
24 3993 Howard Hughes Parkway, Suite 600
25 Las Vegas, NV 89169
26 Attorneys for Defendant
27 *Blas Bon*
28

29 /s/ Amy Ebinger
30 An Employee of Prince Law Group



1 **AMOR**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
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11 Fax: (702) 534-7601
12 E-mail: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

17 DIANE SANCHEZ,
18
19 Plaintiff,

20 vs.

21 BLAS BON, individually; JOSEPH
22 ACOSTA, individually; WILFREDO
23 ACOSTA, individually; DOES I-X and
24 ROE CORPORATIONS I-X, inclusive,
25
26 Defendants.

Case No. A-15-722815-C
Dept. No. XXV

AMENDED ORDER GRANTING
PLAINTIFF'S MOTION PURSUANT TO
NRS 21.320 FOR JUDICIAL
ASSIGNMENT OF CLAIMS AND/OR
CAUSES OF ACTION DEFENDANT
BLAS BON HAS AGAINST ATX
PREMIER INSURANCE COMPANY,
ANY OTHER APPLICABLE LIABILITY
INSURER, ANY THIRD-PARTY
CLAIMS ADMINISTRATOR, ANY
THIRD-PARTY ADJUSTER, OR ANY
OTHER INSURANCE ENTITY

27 Plaintiff Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial
28 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX
Premier Insurance or any other Applicable Liability Insurer and Plaintiff Diane
Sanchez's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant
Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or
any other Insurance Entity Pursuant to NRS 21.320 were brought for hearing in
Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen
E. Delaney, on the 20th day of August, 2019 and the 8th day of September, 2020,
respectively. The Court having reviewed the pleadings and papers on file herein and
being duly advised in the premises:



1 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff
2 Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims
3 and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or any
4 other Applicable Liability Insurer and Plaintiff Diane Sanchez's Motion for Judicial
5 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any
6 Third-Party Claims Administrator, Third-Party Adjuster, or any other Insurance Entity
7 Pursuant to NRS 21.320 are **GRANTED**.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that all of
9 Defendant Blas Bon's claims or causes of action of any kind whatsoever, arising in
10 contract or tort, including but not limited to, claims for breach of contract, breach of the
11 duty of good faith and fair dealing, breach of the duty to settle, breach of the duty to
12 make reasonable settlement decisions, breach of the contractual duty to defend, and any
13 other tort claims or claims for breach of fiduciary duties against ATX Premier Insurance
14 Company, DMA Claims Management, Inc., DMA Claims, Inc., or any other liability
15 insurance company, third-party claims administrator, third-party claims adjuster, or
16 other applicable insurer, administrator, or entity, are judicially assigned to Plaintiff
17 Diane Sanchez to collect upon the judgment in the amount of \$15,212,655.73, plus any
post-judgment interest, that this Court entered on July 19, 2019.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Order
19 shall be broadly construed to ensure that any and all of Defendant Blas Bon's claims
20 and/or causes of action against any liability insurance company, third-party claims
21 administrator, third-party claims adjuster, or any other applicable insurer,
22 administrator, or entity are judicially assigned to Plaintiff Diane Sanchez.

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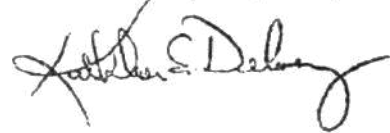
28 ...

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order clarifies the previous Order entered by this Court on August 20, 2019. This Order accurately reflects that this Court's intention has always been to judicially assign all of Defendant Blas Bon's claims and/or causes of action outlined above to Plaintiff Diane Sanchez.

IT IS SO ORDERED.

DATED this ____ day of August, 2021.

Dated this 16th day of September, 2021



DATED this 13th day of January, 2021.

15A CC6 E8A0 1FB0
Kathleen E. Delaney
District Court Judge
DATED this 15th day of January, 2021.

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS

/s/ Kevin T. Strong
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Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, 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 Amended Order was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/16/2021

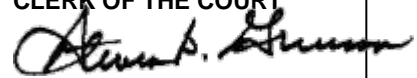
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19 Jenny Marimberga .	jenny@tplf.com
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23 William Schuller	wschuller@klnevada.com
24 eFiling District	nvdistrict@klnevada.com
25 E Service	eservice@egletlaw.com

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JHenriod@LewisRoca.com
ASmith@LewisRoca.com

Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,
Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**SECOND AMENDED CASE APPEAL
STATEMENT**

AMENDED CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Defendant Blas Bon
2. Identify the judge issuing the decision, judgment, or order appealed from:
The Honorable Kathleen Delaney
3. Identify each appellant and the name and address of counsel for each appellant:

Attorneys for Appellant Blas Bon

DANIEL F. POLSENBERG
JOEL D. HENRIOD
ABRAHAM G. SMITH
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

WILLIAM P. VOLK
HOLLEY DRIGGS
400 S. Fourth Street, Suite 300
Las Vegas, Nevada 89101
(702) 791-0308

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):

Attorneys for Respondent Diane Sanchez

DENNIS M. PRINCE
KEVIN T. STRONG
10801 West Charleston Boulevard, Suite 560
Las Vegas, Nevada 89135
(702) 534-7600

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed 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 counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

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:

“Complaint,” filed August 7, 2015

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 stems from a motor vehicle accident. A default judgment was entered against defendant. Bon filed a motion to set aside the default judgment, which was denied. The parties submitted competing orders, and the Court approved and signed plaintiff’s order. On October 20, 2020, Bon appealed from the resulting judgment and orders denying his motion to set aside the default judgment. On September 28, 2021, Bon amended his notice of appeal to include the Court’s order denying his motion for rehearing and to alter or amend the judgment and denying Rule 60(b) relief. Bon amends his appeal again to include the district court’s amended order granting plaintiff’s motion for judicial assignment pursuant to NRS 21.320.

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

Bon v. Sanchez, Case No. 81983

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

This case does not involve child custody or visitation.

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

The parties previously opted for private mediation in lieu of participation in the Supreme Court settlement program. No compromise was reached, and briefing has been reinstated.

Dated this 21st day of October, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Daniel F. Polsenberg

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(702) 791-0308

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Attorneys for Defendant Blas Bon

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/s/ Emily D. Kopolnai
An Employee of Lewis Roca Rothgerber Christie LLP

CASE SUMMARY**CASE NO. A-15-722815-C**

Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

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§
§

Location: **Department 25**
 Judicial Officer: **Delaney, Kathleen E.**
 Filed on: **08/07/2015**
 Cross-Reference Case Number: **A722815**
 Supreme Court No.: **81983**

CASE INFORMATION**Statistical Closures**

02/07/2019 Stipulated Judgment

Case Type: **Negligence - Auto**

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

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

Case Number A-15-722815-C
 Court Department 25
 Date Assigned 08/07/2015
 Judicial Officer Delaney, Kathleen E.















PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Sanchez, Diane	Prince, Dennis M <i>Retained</i> 702-534-7600(W)
Defendant	Acosta, Joseph Removed: 10/16/2018 Dismissed	Temple, Marissa R. <i>Retained</i> 702-383-3400(W)
	Acosta, Joseph Removed: 10/18/2018 Data Entry Error	
	Acosta, Wilfredo Removed: 10/16/2018 Dismissed	Meyer, Michael C. <i>Retained</i> 702-363-5100(W)
	Bon, Blas	Volk, William P <i>Retained</i> 702-791-0308(W)
Cross Claimant	Acosta, Joseph Removed: 10/16/2018 Dismissed	Temple, Marissa R. <i>Retained</i> 702-383-3400(W)
	Acosta, Wilfredo Removed: 10/16/2018 Dismissed	Meyer, Michael C. <i>Retained</i> 702-363-5100(W)
Cross Defendant	Bon, Blas Removed: 11/09/2016 Data Entry Error	Volk, William P <i>Retained</i> 702-791-0308(W)
	Bon, Blas Removed: 10/16/2018 Dismissed	Volk, William P <i>Retained</i> 702-791-0308(W)

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

CASE SUMMARY















CASE NO. A-15-722815-C

08/07/2015	 Complaint Filed By: Plaintiff Sanchez, Diane <i>[1] Complaint and Initial Fee Disclosure</i>
09/18/2015	 Demand for Jury Trial Filed By: Plaintiff Sanchez, Diane <i>[2] Demand for Jury Trial</i>
10/12/2015	 Affidavit of Service Filed By: Plaintiff Sanchez, Diane <i>[3] Affidavit of Service</i>
10/20/2015	 Affidavit of Due Diligence Filed By: Plaintiff Sanchez, Diane <i>[4] Affidavit of Due Diligence</i>
11/19/2015	 Affidavit of Compliance Filed By: Plaintiff Sanchez, Diane <i>[5] Affidavit of Compliance</i>
12/01/2015	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Acosta, Joseph <i>[7] Initial Appearance Fee Disclosure</i>
12/01/2015	 Demand for Jury Trial Filed By: Cross Claimant Acosta, Joseph <i>[8] Demand for Jury Trial</i>
12/01/2015	 Answer and Crossclaim Filed By: Cross Claimant Acosta, Joseph <i>[6] Defendant Joseph Acosta's Answer To Plaintiff's Complaint And Cross-Claim Against Blas Bon</i>
01/15/2016	 Commissioners Decision on Request for Exemption - Granted <i>[9] Commissioner s Decision on Request for Exemption</i>
02/17/2016	 Joint Case Conference Report Filed By: Plaintiff Sanchez, Diane <i>[10] Joint Case Conference Report</i>
03/08/2016	 Scheduling Order <i>[11] Scheduling Order</i>
03/09/2016	 Order Setting Civil Jury Trial <i>[12] Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
03/29/2016	 Amended Affidavit Filed By: Plaintiff Sanchez, Diane <i>[13] Amended Affidavit of Compliance</i>
04/01/2016	 Default Filed By: Plaintiff Sanchez, Diane <i>[14] Default on Defendant Blas Bon</i>

NBIS 000811

CASE SUMMARY











CASE NO. A-15-722815-C

06/22/2016	 Notice of Entry of Default Party: Plaintiff Sanchez, Diane <i>[15] Notice of Entry of Default</i>
08/29/2016	 Motion Filed By: Plaintiff Sanchez, Diane <i>[16] Plaintiff's Motion for Leave to File Amended Complaint</i>
09/07/2016	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[18] Stipulation and Order to Extend Discovery & Continue Trial (First Request)</i>
09/07/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Sanchez, Diane <i>[17] Notice of Entry of Order of Stipulation and Order to Extend Discovery & Continue Trial (First Request)</i>
09/09/2016	 Amended Order Setting Jury Trial <i>[19] Amended Order Setting Civil Jury Trial and Pretrial/Calendar Call</i>
10/04/2016	 Order Filed By: Plaintiff Sanchez, Diane <i>[20] Order</i>
10/04/2016	 Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion for Leave to File Amended Complaint</i>
10/05/2016	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[21] Notice of Entry of Order</i>
10/13/2016	 Amended Complaint Filed By: Plaintiff Sanchez, Diane <i>[22] Amended Complaint</i>
11/09/2016	 Acceptance of Service Filed By: Defendant Bon, Blas <i>[23] Acceptance of Service of Summons and Complaint</i>
11/09/2016	 Answer to Amended Complaint Filed By: Cross Claimant Acosta, Wilfredo <i>[24] Defendants Joseph Acosta and Wilfredo Acosta's Answer to Plaintiff's Amended Complaint and Cross-Claim Against Blas Bon</i>
11/09/2016	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Acosta, Joseph <i>[25] Defendant Wilfredo Acosta's Initial Appearance Fee Disclosure</i>
11/09/2016	 Demand for Jury Trial Filed By: Cross Claimant Acosta, Joseph <i>[26] Defendants/Cross-Claimants Joseph Acosta and Wilfredo Acosta's Demand for Jury Trial</i>
02/23/2017	 Application for Issuance of Commission to Take Deposition

NBIS 000812

CASE SUMMARY

CASE NO. A-15-722815-C

	<p>Party: Plaintiff Sanchez, Diane <i>[27] Application to Issue Commission to serve Subpoena Outside the State of Nevada - Donna Mae Evans</i></p>
02/27/2017	<p> Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Sanchez, Diane <i>[28] Commission to Serve Subpoena Duces Tecum Outside the State of Nevada - Donna Mae Evans</i></p>
03/07/2017	<p> Motion Filed By: Cross Claimant Acosta, Joseph <i>[29] Defendant/Cross-Claimant Joseph Acosta's Motion to Enlarge Time to Perfect Service of Cross Claim Against Cross-Defendant Blas Bon</i></p>
03/11/2017	<p> Notice of Change of Address Filed By: Cross Claimant Acosta, Joseph <i>[30] Notice of Change of Address</i></p>
04/11/2017	<p> Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant/Cross-Claimant Joseph Acosta's Motion to Enlarge Time to Perfect Service of Cross Claim Against Cross-Defendant Blas Bon</i></p>
04/21/2017	<p> Notice of Entry Filed By: Cross Claimant Acosta, Joseph <i>[32] Notice of Entry of Order</i></p>
04/21/2017	<p> Stipulation and Order Filed by: Cross Claimant Acosta, Joseph <i>[31] Stipulation and Order to Extend Discovery and Move the Trial Date (Second Request)</i></p>
04/24/2017	<p> Amended Order Setting Jury Trial <i>[33] Second Amended Order Setting Civil Jury Trial and Pretiral/Calendar Call</i></p>
05/16/2017	<p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
05/22/2017	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
07/25/2017	<p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
07/31/2017	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Stipulation and Order</i></p>
09/08/2017	<p> Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[34] Plaintiff's Pre-Trial Disclosure Statement</i></p>
09/13/2017	<p> Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[35] Defendant/Cross-Claimant's Pre-Trial Disclosure Statement Pursuant to NRCP 16.1(a) (3)</i></p>
09/25/2017	<p> Motion Filed By: Plaintiff Sanchez, Diane</p>

NBIS 000813

CASE SUMMARY

CASE NO. A-15-722815-C

[36] Joint Motion to Continue Trial and Extend Discovery on an Order Shortening Time

09/26/2017



Motion to Continue Trial (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Joint Motion to Continue Trial and Extend Discovery on an Order Shortening Time

10/03/2017

CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

Vacated - per Judge

10/09/2017

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

Vacated - per Judge

10/24/2017



Amended Order Setting Jury Trial

[37] Third Amended Order Setting Civil Jury Trial and Pretrial/Calendar Call

02/22/2018



Motion

Filed By: Plaintiff Sanchez, Diane

[38] Motion for Juror Questionnaire

03/09/2018



Motion in Limine

Filed By: Plaintiff Sanchez, Diane

[39] Plaintiff's Motions in Limine

03/09/2018



Motion in Limine

Filed By: Cross Claimant Acosta, Joseph

[40] Defendant/Cross-Claimant Joseph Acosta's Motion in Limine

03/12/2018



Opposition to Motion

Filed By: Cross Claimant Acosta, Joseph

[41] Defendant/Cross-Claimant Joseph Acosta's Opposition to Motion for Juror Questionnaire

03/15/2018



Reply in Support

Filed By: Plaintiff Sanchez, Diane

[42] Reply in Support of Motion for Jury Questionnaire

03/21/2018



Opposition to Motion in Limine

Filed By: Plaintiff Sanchez, Diane

[43] Plaintiff's Opposition to Defendant's Motion in Limine

03/26/2018



Opposition to Motion in Limine

Filed By: Cross Claimant Acosta, Joseph

[44] Defendant/Cross-Claimant Joseph Acosta's Opposition to Plaintiff's Omnibus Motion in Limine

03/27/2018



Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

Plaintiff's Motion for Juror Questionnaire

04/03/2018



Reply in Support

Filed By: Cross Claimant Acosta, Joseph

[45] Defendant/Cross-Claimant Joseph Acosta's Reply in Support of Motions in Limine

04/03/2018



Reply in Support













Filed By: Plaintiff Sanchez, Diane

[46] Plaintiff's Reply in Support of Plaintiff's Motions in Limine

NBIS 000814













CASE SUMMARY

CASE NO. A-15-722815-C

04/10/2018	Motion in Limine (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/10/2018, 04/24/2018-04/25/2018 <i>Plaintiff's Motions in Limine</i>
04/10/2018	Motion in Limine (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/10/2018, 04/24/2018-04/25/2018 <i>Defendant/Cross Claimant Joseph Acosta's Motion in Limine</i>
04/10/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
04/11/2018	 Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[47] Defendant/Cross-Claimant Joseph Acosta's First Supplemental Pre-Trial Disclosure Statement Pursuant to NRCp 16.1(a)(3)</i>
04/11/2018	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[48] Stipulation and Order to Continue Hearing Date on All Motions in Limine</i>
04/12/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[49] Notice of Entry of Order</i>
04/12/2018	 Order Filed By: Plaintiff Sanchez, Diane <i>[50] Order</i>
04/12/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[51] NOTICE OF ENTRY OF ORDER</i>
04/19/2018	 Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[52] Plaintiff's Supplemental Pre-Trial Disclosure Statement</i>
04/24/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
04/25/2018	 All Pending Motions (1:30 PM) (Judicial Officer: Delaney, Kathleen E.)
05/11/2018	 Joint Pre-Trial Memorandum Filed By: Plaintiff Sanchez, Diane <i>[53] Joint Pre-Trial Memorandum</i>
05/15/2018	 Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)
05/21/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
06/28/2018	 Pre-Trial Disclosure Party: Cross Claimant Acosta, Joseph <i>[54] Defendant/Cross-Claimant's Second Supplemental Pre-Trial Disclosure Statement Pursuant to NRCp 16.1(a)(3)</i>

CASE SUMMARY














CASE NO. A-15-722815-C

06/29/2018	 Pre-Trial Disclosure Party: Plaintiff Sanchez, Diane <i>[55] Plaintiff's Second Supplemental Pre-Trial Disclosure Statement</i>
07/03/2018	 Order Filed By: Plaintiff Sanchez, Diane <i>[56] Order</i>
07/03/2018	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[57] Notice of Entry of Order</i>
07/05/2018	 Order <i>[58] Order on Defendant/Cross-Claimant Joseph Acosta's MIL</i>
07/10/2018	 Notice of Entry of Order <i>[59] Notice of Entry of Order</i>
07/11/2018	 Proposed Voir Dire Questions Filed By: Cross Claimant Acosta, Joseph <i>[60] Defendant/Cross-Claimant Joseph Acosta's Proposed Voir Dire Questions</i>
07/12/2018	 Objection Filed By: Plaintiff Sanchez, Diane <i>[61] Plaintiff's Objections to Defendant Joseph Acosta's Pre-Trial Disclosure Statement Pursuant to NRCp 16.1 (a)(3)</i>
07/24/2018	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)
07/30/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
09/25/2018	 Status Check (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 09/25/2018, 11/27/2018, 01/29/2019 <i>Status Check: Settlement / Default Judgments</i>
10/16/2018	Order of Dismissal With Prejudice (Judicial Officer: Delaney, Kathleen E.) Debtors: Diane Sanchez (Plaintiff) Creditors: Blas Bon (Defendant), Joseph Acosta (Defendant), Wilfredo Acosta (Defendant) Judgment: 10/16/2018, Docketed: 10/16/2018 Debtors: Blas Bon (Cross Defendant) Creditors: Joseph Acosta (Cross Claimant), Wilfredo Acosta (Cross Claimant) Judgment: 10/16/2018, Docketed: 10/16/2018
10/16/2018	 Stipulation and Order for Dismissal With Prejudice Filed By: Cross Claimant Acosta, Joseph; Cross Claimant Acosta, Wilfredo <i>[62] Stipulation and Order for Dismissal with Prejudice</i>
10/18/2018	 Notice of Entry of Order Filed By: Defendant Acosta, Joseph <i>[63] Notice of Entry of Stipulation and Order for Dismissal with Prejudice</i>
11/14/2018	 Notice of Association of Counsel Filed By: Plaintiff Sanchez, Diane

NBIS 000816

CASE SUMMARY













CASE NO. A-15-722815-C

	<i>[64] Notice of Association of Counsel</i>
02/07/2019	 Order to Statistically Close Case <i>[65] Civil Order to Statistically Close Case</i>
03/29/2019	 Application Filed By: Plaintiff Sanchez, Diane <i>[66] Plaintiff diane Sanchez's Application For Entry Of Default Judgment</i>
03/29/2019	 Clerk's Notice of Hearing <i>[67] Notice of Hearing</i>
06/11/2019	 Motion for Default Judgment (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff Diane Sanchez's Application for Entry of Default Judgment</i>
06/13/2019	 Notice of Change Filed By: Plaintiff Sanchez, Diane <i>[68] Notice of Change of Lead Counsel and Change of Contact Information for Dennis M. Prince, Esq.</i>
06/20/2019	 Notice Filed By: Plaintiff Sanchez, Diane <i>[69] Notice of Disassociation of Counsel</i>
07/08/2019	 Notice of Attorney Lien <i>[70] Notice of Attorney Lien</i>
07/09/2019	 Supplemental Filed by: Plaintiff Sanchez, Diane <i>[71] Plaintiff's Supplement to Application for Entry of Default Judgment</i>
07/19/2019	 Default Judgment <i>[72] Default Judgment</i>
07/19/2019	Default Judgment Plus Legal Interest (Judicial Officer: Delaney, Kathleen E.) Debtors: Blas Bon (Defendant) Creditors: Diane Sanchez (Plaintiff) Judgment: 07/19/2019, Docketed: 07/19/2019 Total Judgment: 15,212,655.73
07/19/2019	 Notice of Entry of Judgment by Default Party: Plaintiff Sanchez, Diane <i>[73] Notice of Entry of Default Judgment</i>
07/19/2019	 Motion Filed By: Plaintiff Sanchez, Diane <i>[74] Plaintiff's Motion for Judicial Assignment</i>
07/22/2019	 Clerk's Notice of Hearing <i>[75] Notice of Hearing</i>
08/19/2019	 Memorandum of Costs and Disbursements Filed By: Plaintiff Sanchez, Diane <i>[76] Plaintiff's Memorandum of Costs and Disbursements</i>

NBIS 000817

CASE SUMMARY

CASE NO. A-15-722815-C

08/20/2019	 Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or any Other Applicable Liability Insurer</i>
08/20/2019	 Order Filed By: Plaintiff Sanchez, Diane <i>[77] Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or Any Other Applicable Liability Insurer</i>
08/22/2019	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[78] Notice of Entry of Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance or Any Other Applicable Liability Insurer</i>
01/03/2020	 Notice of Change of Address Filed By: Plaintiff Sanchez, Diane <i>[79] Notice of Change of Address</i>
01/17/2020	 Motion to Set Aside Default Judgment Filed By: Defendant Bon, Blas <i>[80] Motion to Set Aside Default Judgment</i>
01/17/2020	 Initial Appearance Fee Disclosure Filed By: Defendant Bon, Blas <i>[81] Initial Appearance Fee Disclosure</i>
01/21/2020	 Clerk's Notice of Hearing <i>[82] Notice of Hearing</i>
02/05/2020	 Stipulation and Order Filed by: Plaintiff Sanchez, Diane <i>[83] Stipulation and Order to Continue Deadline for Plaintiff to File Her Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment (First Request)</i>
02/06/2020	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane <i>[84] Notice of Entry of Stipulation and Order to Continue Deadline for Plaintiff to File Her Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/07/2020	 Opposition to Motion Filed By: Plaintiff Sanchez, Diane <i>[85] Plaintiff Diane Sanchez's Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/09/2020	 Supplement to Opposition Filed By: Plaintiff Sanchez, Diane <i>[86] Plaintiff Diane Sanchez's Supplement to Opposition to Defendant Blas Bon's Motion to Set Aside Default Judgment</i>
02/18/2020	 Reply in Support Filed By: Defendant Bon, Blas

NBIS 000818

CASE SUMMARY

CASE NO. A-15-722815-C

[87] Reply in Support of Motion to Set Aside Default Judgment

02/25/2020



Motion to Set Aside Default Judgment (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Defendant Motion to Set Aside Default Judgment

03/17/2020



Notice of Change of Address
Filed By: Defendant Bon, Blas
[88] Notice of Change of Contact Information and Firm Affiliation

03/30/2020



Notice
Filed By: Defendant Bon, Blas
[89] Notice of Permanent Injunction and Automatic Stay Re: Liquidation of Windhaven National Insurance Company f/k/a ATX Premier Insurance Company

07/31/2020



Motion
Filed By: Plaintiff Sanchez, Diane
[90] Plaintiff's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or any Other Insurance Entity Pursuant to NRS 21.320

08/03/2020



Clerk's Notice of Hearing
[91] Notice of Hearing

08/13/2020



Opposition to Motion
Filed By: Defendant Bon, Blas
[92] Opposition Of Blas Bon To Plaintiff Diane Sanchez s Motion For Judicial Assignment Of Claims And/Or Causes Of Action Defendant Blas Bon Has Against Any Third-Party Claims Administrator, Third-Party Adjuster, Or Any Other Insurance Entity Pursuant To NRS 21.320

09/01/2020



Reply in Support
Filed By: Plaintiff Sanchez, Diane
[93] Plaintiff Diane Sanchez's Reply in Support of Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against Any Third-Party Claims Administrator, Third-Party Adjuster, or Any Other Insurance Entity Pursuant to NRS 21.320

09/08/2020



Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Plaintiff's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or any Other Insurance Entity Pursuant to NRS 21.320

09/19/2020



Order Denying Motion
Filed By: Plaintiff Sanchez, Diane
[94] Order Denying Defendant Blas Bon's Motion to Set Aside Default Judgment

09/21/2020



Notice of Entry of Order
Filed By: Plaintiff Sanchez, Diane
[95] Notice of Entry of Order Denying Blas Bon's Motion to Set Aside Default Judgment

10/19/2020



Notice of Association of Counsel
Filed By: Defendant Bon, Blas
[96] Notice of Association of Counsel

10/19/2020









Motion to Rehear
Filed By: Defendant Bon, Blas
[97] Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b)

NBIS 000819

CASE SUMMARY





CASE NO. A-15-722815-C

Relief

10/20/2020	 Clerk's Notice of Hearing <i>[98] Notice of Hearing</i>
10/20/2020	 Notice of Appeal Filed By: Defendant Bon, Blas <i>[99] Notice of Appeal</i>
10/20/2020	 Case Appeal Statement Filed By: Defendant Bon, Blas <i>[100] Case Appeal Statement</i>
11/02/2020	 Opposition to Motion Filed By: Plaintiff Sanchez, Diane <i>[101] Plaintiff Diane Sanchez's Opposition to Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief</i>
11/17/2020	 Reply in Support <i>[102] Reply Brief on "Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
11/24/2020	 Motion to Rehear (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief</i>
08/27/2021	 Objection Filed By: Defendant Bon, Blas <i>[103] Objection to Plaintiff's Proposed "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment Order Denying Rule 60(b) Relief"</i>
09/14/2021	 Response Filed by: Plaintiff Sanchez, Diane <i>[104] Plaintiff Diane Sanchez's Response to Objection to Plaintiff's Proposed "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
09/16/2021	 Amended Order Filed By: Plaintiff Sanchez, Diane <i>[105] Amended Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance Company, any other Applicable Liability Insurere, any Thrid-Party Claims Administrator, andy Third-Party Adjuster, or any Other Insurance Entity</i>
09/16/2021	 Order <i>[106] Order Denying Defendant's Motion for Rehearing and to Alter or Amend the Judgement and Order Denying Rule 60(b) Relief</i>
09/20/2021	 Notice of Entry of Order Filed By: Defendant Bon, Blas <i>[107] Notice of Entry of "Order Denying Defendant Blas Bon's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief"</i>
09/21/2021	 Notice of Entry of Order Filed By: Plaintiff Sanchez, Diane

NBIS 000820

CASE SUMMARY**CASE NO. A-15-722815-C**

	<i>[108] Notice of Entry of Amended Order Granting Plaintiff's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action Defendant Blas Bon Has Against ATX Premier Insurance Company, Any Other Applicable Liability Insurer, Any Third-Party Claims Administrator, Any Third-Party Adjuster, or any Other Insurance Entity</i>
09/28/2021	 Amended Notice of Appeal Party: Defendant Bon, Blas <i>[109] Amended Notice of Appeal</i>
09/28/2021	 Amended Case Appeal Statement Party: Defendant Bon, Blas <i>[110] Amended Case Appeal Statement</i>
10/21/2021	 Amended Notice of Appeal Party: Defendant Bon, Blas <i>[111] Second Amended Notice of Appeal</i>
10/21/2021	 Amended Case Appeal Statement Party: Defendant Bon, Blas <i>[112] Amended Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

Cross Claimant Acosta, Joseph	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 10/22/2021	0.00
Cross Claimant Acosta, Wilfredo	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 10/22/2021	0.00
Defendant Bon, Blas	
Total Charges	268.00
Total Payments and Credits	268.00
Balance Due as of 10/22/2021	0.00
Plaintiff Sanchez, Diane	
Total Charges	275.00
Total Payments and Credits	275.00
Balance Due as of 10/22/2021	0.00
Defendant Bon, Blas	
Appeal Bond Balance as of 10/22/2021	500.00

NBIS 000821

DISTRICT COURT CIVIL COVER SHEET

A-15-722815-C

County, Nevada

Case No.

XXV

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

DIANE SANCHEZ 9000 S. Las Vegas Blvd., #1257, Las Vegas, Nevada 89123

Phone Number: 702-460-0036

Defendant(s) (name/address/phone):

BLAS BON

Attorney (name/address/phone):

Paul D. Powell 6785 West Russell Road, Suite 210 Las Vegas Nevada 89118

Phone number: 702-728-5500

Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property		Negligence <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal	
Civil Writ <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		Other Civil Filing Other Civil Filing <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.

8/6/2015

Date

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Lamin
CLERK OF THE COURT

1 **ORDR**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
7 10801 West Charleston Boulevard
8 Suite 560
9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
11 Fax: (702) 534-7601
12 Email: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

11 DIANE SANCHEZ,
12 Plaintiff,

CASE NO. A-15-722815-C
DEPT. NO. XXV

13 vs.

14 BLAS BON, individually; JOSEPH
15 ACOSTA, individually; WILFREDO
16 ACOSTA, individually; DOES I-X and
17 ROE CORPORATIONS I-X, inclusive,
18 Defendants.

ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT

18 Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for
19 hearing in Department XXV of the Eighth Judicial District Court, before the Honorable
20 Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin
21 T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ;
22 and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS
23 BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard
24 oral argument, and being duly advised in the premises:

25 . . .

26 . . .

27
28 ¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.



1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has “wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable” under NRCP
10 60(b). *Durango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff’s process server attempted to locate Bon through
17 records searches with the Clark County Assessor’s Office and Clark County Voter
18 Registration. Plaintiff’s process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez’s Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident, report, and the November 2, 2015 DMV
27 letter to Bon’s best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez’s
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Complaine and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.

25 . . .

26 . . .

27 . . .

28 ² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

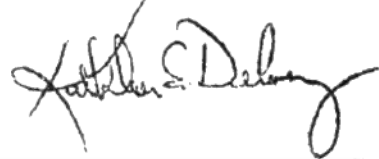
ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.

DATED this 19th day of September, 2020.

Kathleen E. Delaney
District Court Judge

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



Refused to sign

DENNIS M. PRINCE
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Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/19/2020

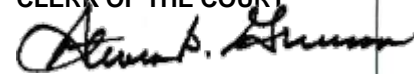
15 William Volk	wvolk@klnevada.com
16 Joanne Hybarger	jhybarger@klnevada.com
17 Lennie Fraga	lfraga@klnevada.com
18 Bernita Lujan .	blujan@messner.com
19 Dana Marcolongo .	dana@tplf.com
20 Jenny Marimberga .	jenny@tplf.com
21 Kimberly Shonfeld .	kshonfeld@messner.com
22 Lauren Pellino .	lpellino@tplf.com
23 Lindsay Reid .	lindsay@tplf.com
24 Michael Meyer .	cmeyer@messner.com
25 Renee Finch .	rfinch@messner.com

26
27
28

NBIS 000827

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11 Email: eservice@thedplg.com
12 Attorneys for Plaintiff
13 Diane Sanchez

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

10 DIANE SANCHEZ,
11 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

12 vs.


NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT BLAS
BON'S MOTION TO SET ASIDE
DEFAULT JUDGMENT

13 BLAS BON, individually; JOSEPH
14 ACOSTA, individually; WILFREDO
15 ACOSTA, individually; DOES I-X and
16 ROE CORPORATIONS I-X, inclusive,
17 Defendants.

17 PLEASE TAKE NOTICE that an Order Denying Defendant Blas Bon's Motion to
18 Set Aside Default Judgment was entered on the 19th day of September, 2020 in the
19 above-referenced matter, a copy of which is attached hereto.

20 DATED this 21st day September, 2020.

21 **PRINCE LAW GROUP**

22 
23 DENNIS M. PRINCE
24 Nevada Bar No. 5092
25 KEVIN T. STRONG
26 Nevada Bar No. 12107
27 10801 W. Charleston Blvd., Suite 560
28 Las Vegas, NV 89135
Attorneys for Plaintiff
Diane Sanchez



1
2
3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
5 and that on the 21 day of September, 2020, I caused the foregoing document entitled
6 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S**
7 **MOTION TO SET ASIDE DEFAULT JUDGMENT** to be served upon those persons
8 designated by the parties in the E-Service Master List for the above-referenced matter
9 in the Eighth Judicial District Court eFiling System in accordance with the mandatory
10 electronic service requirements of Administrative Order 14-2 and the Nevada
11 Electronic Filing and Conversion Rules, as follows:

12 WILLIAM P. VOLK
13 Holley Driggs
14 400 South Fourth Street
15 Third Floor
16 Las Vegas, Nevada 89101
17 Attorneys for Defendant
18 *Blas Bon*

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23
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26
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28

An Employee of Prince Law Group

Heather L. Smith
CLERK OF THE COURT

1 **ORDER**
2 **DENNIS M. PRINCE**
3 Nevada Bar No. 5092
4 **KEVIN T. STRONG**
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
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8 Suite 560
9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
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12 Email: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 **DIANE SANCHEZ,**

12 Plaintiff,

13 vs.

14 **BLAS BON, individually; JOSEPH**
15 **ACOSTA, individually; WILFREDO**
16 **ACOSTA, individually; DOES I-X and**
17 **ROE CORPORATIONS I-X, inclusive,**

18 Defendants.

CASE NO. A-15-722815-C
DEPT. NO. XXV

ORDER DENYING
DEFENDANT BLAS BON'S
MOTION TO SET ASIDE
DEFAULT JUDGMENT

18 Defendant BLAS BON's Motion to Set Aside Default Judgment was brought for
19 hearing in Department XXV of the Eighth Judicial District Court, before the Honorable
20 Kathleen Delaney, on the 25th day of February, 2020, with Dennis M. Prince and Kevin
21 T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ;
22 and William P. Volk of HOLLEY DRIGGS, appearing on behalf of Defendant BLAS
23 BON.¹ The Court having reviewed the pleadings and papers on file herein, having heard
24 oral argument, and being duly advised in the premises:

25 ...

26 ...

27
28 ¹ At the time of the hearing, Mr. Volk was a partner at Kolesar & Leatham. Since that time, Kolesar & Leatham ceased operations and Mr. Volk is now a partner/shareholder with Holley Driggs.

1 **THE COURT HEREBY FINDS** that NRCP 60(b) outlines the specific legal
2 grounds for a district court to grant a party relief from a final judgment. The legal
3 grounds outlined in NRCP 60(b) include mistake, inadvertence, surprise, or excusable
4 neglect and any other reason that justifies relief.

5 **THE COURT FURTHER FINDS** that a district court has broad discretion to
6 determine whether a default judgment should be set aside. *Britz v. Consolidated*
7 *Casinos Corp.*, 87 Nev. 441, 445 (1971).

8 **THE COURT FURTHER FINDS** that the district court has "wide discretion in
9 determining what neglect is excusable and what neglect is inexcusable" under NRCP
10 60(b). *Durango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 662 (2004).

11 **THE COURT FURTHER FINDS** that Plaintiff properly served her Complaint
12 on Defendant Blas Bon through the Nevada Department of Motor Vehicles pursuant to
13 NRS 14.070. Plaintiff exercised due diligence to locate and personally serve Bon before
14 effectuating service through the DMV. Specifically, Plaintiff attempted to serve Bon at
15 3900 Cambridge Street, Suite 106, Las Vegas, Nevada 89119, the address that was listed
16 on the traffic accident report. Plaintiff's process server attempted to locate Bon through
17 records searches with the Clark County Assessor's Office and Clark County Voter
18 Registration. Plaintiff's process server also searched local phone records and performed
19 a registered vehicle search with the Nevada Department of Motor Vehicles and Premium
20 Finder. The efforts made to locate and serve Bon were reasonably diligent and justified
21 service of Sanchez's Complaint through the DMV.

22 Sanchez also fully complied with the requirements to effectuate service through
23 the DMV set forth in NRS 14.070. Sanchez received a letter dated November 2, 2015
24 from the DMV acknowledging service of the Summons and Complaint on Bon. On
25 November 9, 2015, Sanchez mailed, via certified mail, return receipt requested, a copy
26 of the Summons, Complaint, traffic accident, report, and the November 2, 2015 DMV
27 letter to Bon's best last known address: 3900 Cambridge Street, Suite 106, Las Vegas,
28 Nevada 89119.

 This Court also determined Bon was properly served when it considered Sanchez's
Application for Default Judgment filed on March 29, 2019. Bon has also not supplied

1 this Court with an affidavit declaring that he never received any notice of Sanchez's
2 Complaint or otherwise has no knowledge of the suit against him. Under these
3 circumstances, Bon cannot now claim that he was surprised or that there is excusable
4 neglect to justify relief from the July 19, 2019 default judgment entered against him
5 pursuant to NRCP 60(b)(1).

6 **THE COURT FURTHER FINDS** that there is ample evidence that Bon's
7 insurer, ATX, the entity tasked to defend Bon, received notice of Sanchez's Complaint.
8 On January 20, 2016, Sanchez sent a letter, via U.S. mail, to DeLawrence Templeton
9 ("Templeton") of DMA Claims Services, advising him that Bon was served with the
10 Summons and Sanchez's Complaint via the DMV.² Sanchez provided Templeton with a
11 copy of her Complaint, November 2, 2015 DMV letter, and November 19, 2015 Affidavit
12 of Complaint and requested ATX to file an answer to her Complaint. Sanchez
13 specifically warned Templeton that she would request the Court to enter a default against
14 Bon if an answer was not filed. On February 16, 2016, Sanchez again sent a letter to
15 Templeton advising that Bon still did not file his Answer to her Complaint. Sanchez
16 clarified that if Bon did not file his Answer to her Complaint by February 23, 2016, she
17 would request entry of a default against Bon. ATX never filed an answer to Sanchez's
18 Complaint on Bon's behalf despite receiving a full and fair opportunity to do so. There
19 is no evidence to suggest that ATX never received any notice of Sanchez's lawsuit.

20 **THE COURT FURTHER FINDS** that there is no factual or legal basis to set
21 aside the July 19, 2019 Default Judgment due to surprise, excusable neglect, or for any
22 other reason under NRCP 60(b). The evidence presented establishes inexcusable neglect
23 on the part of both Bon and ATX given ATX's failure to satisfy its responsibility to defend
24 Bon against the allegations set forth in Sanchez's Complaint.

25 ...

26 ...

27 ...

28 ² DMA represented the interests of ATX in relation to the motor vehicle collision giving rise to Sanchez's Complaint for personal injuries against Bon.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Blas Bon's Motion to Set Aside Default Judgment is **DENIED** in its entirety.

IT IS SO ORDERED.

Dated this 19th day of September, 2020

DATED this ____ day of September, 2020.



DISTRICT COURT JUDGE

DD9 015 23D5 10E3

DATED this 9th day of September, 2020.

DATED Kathleen E. Delaney day of September, 2020.

District Court Judge

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS



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Refused to sign
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Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/19/2020

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Heather S. Hume
CLERK OF THE COURT

ORDER

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ASmith@LewisRoca.com

Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
8 Nev. 79, 80-81 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 52 (2010).

9 **THE COURT FURTHER FINDS** that Nevada allows service of process
10 on "resident motorists who have left the State or cannot be found within the
11 State" to be effectuated through the Nevada Department of Motor Vehicles
12 ("DMV"). Nev. Rev. Stat. 14.070(2), (6); *Browning v. Dixon*, 114 Nev. 213, 216
13 (1998).

14 **THE COURT FURTHER FINDS** that a plaintiff must exercise
15 reasonable diligence to search for the resident motorist defendant to effectuate
16 personal service before service of process may be effectuated through the DMV.
17 *Browning*, 114 Nev. at 216. The diligence required "is that which is reasonable
18 under the circumstances and not all possible diligence which may be conceived."
19 *Abreu v. Gilmer*, 115 Nev. 308, 312 (1999) (quoting *Parker v. Ross*, 217 P.2d
20 373, 379 (Utah 1950)).

21 **THE COURT FURTHER FINDS** that, in accordance with Nevada law,
22 this analysis must focus on the reasonableness of the due diligence efforts that
23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitute
7 service was made through the DMV by conducting standard process server
8 efforts, *to wit*: (1) attempted service at 3900 Cambridge Street, Suite 106, Las
9 Vegas, Nevada 89119, which was listed in the police report; and (2) records
10 searches with the Clark County Assessor's Office, Clark County Voter
11 Registration, local phone records, the DMV, and Premium Finder after learning
12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
17 information could have been used and would have been reasonable, the
18 existence of those other methods to effectuate personal service does not negate
19 the diligent efforts Sanchez undertook to locate Bon before effectuating service
20 of the summons and complaint through the DMV.

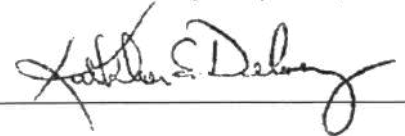
21 **THE COURT FURTHER FINDS** that although Bon was never served
22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
24 amended complaint on Bon because because the nature of the original
25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021



10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
16 ABRAHAM G. SMITH (SBN 13,250)
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21 *Attorneys for Defendant Blas Bon*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/16/2021

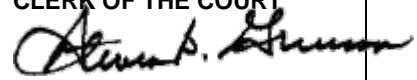
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18 ASmith@LewisRoca.com

19 *Attorneys for Defendant Blas Bon*

20
21 DISTRICT COURT
22 CLARK COUNTY, NEVADA

23 DIANE SANCHEZ,
24
25 Plaintiff,

26 *vs.*

27 BLAS BON, individually; JOSEPH
28 ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,
Defendants.

Case No. A-15-722815-C

Dept. No. 25

**NOTICE OF ENTRY OF "ORDER
DENYING DEFENDANT BLAS BON'S
MOTION FOR REHEARING AND TO
ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF"**

20 Please take notice that an "Order Denying Defendant Blas Bon's Motion
21 for Rehearing and to Alter or Amend the Judgment and Order Denying Rule
22 60(b) Relief" was entered on September 16, 2021. A copy of the order is at-
23 tached.
24
25
26
27
28

1 Dated this 20th day of September, 2021.

2 LEWIS ROCA ROTHGERBER CHRISTIE LLP

3
4 By: /s/Abraham G. Smith

5 DANIEL F. POLSENBERG (SBN 2376)
6 JOEL D. HENRIOD (SBN 8492)
7 ABRAHAM G. SMITH (SBN 13,250)
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12 *Attorneys for Defendant Blas Bon*

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/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

Heather S. Smith
CLERK OF THE COURT

ORDER

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JHenriod@LewisRoca.com
ASmith@LewisRoca.com

Attorneys for Defendant Blas Bon

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE SANCHEZ,

Plaintiff,

vs.

BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-15-722815-C

Dept. No. 25

**ORDER DENYING DEFENDANT BLAS
BON'S MOTION FOR REHEARING AND
TO ALTER OR AMEND THE JUDGMENT
AND ORDER DENYING RULE 60(b)
RELIEF**

Defendant BLAS BON's Motion for Rehearing and to Alter or Amend the Judgment and Order Denying Rule 60(b) Relief was brought for a hearing in Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen E. Delaney, on the 24th day of November, 2020, with Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, appearing on behalf of Plaintiff DIANE SANCHEZ; and Daniel F. Polsenberg and Abraham G. Smith of LEWIS ROCA ROTHGERBER CHRISTIE LLP and William P. Volk of

1 HOLLEY DRIGGS, appearing on behalf of Defendant BLAS BON. The Court
2 having reviewed the pleadings and papers on file herein, having heard oral
3 argument, and being duly advised in the premises:

4 **THE COURT HEREBY FINDS** that, in light of Defendant Blas Bon's
5 ("Bon") appeal of the July 19, 2019 Default Judgment entered against him and
6 the September 19, 2019 Order Denying Bon's Motion to Set Aside Default
7 Judgment, this Court's jurisdiction is outlined in *Huneycutt v. Huneycutt*, 94
8 Nev. 79, 80-81 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 52 (2010).

9 **THE COURT FURTHER FINDS** that Nevada allows service of process
10 on "resident motorists who have left the State or cannot be found within the
11 State" to be effectuated through the Nevada Department of Motor Vehicles
12 ("DMV"). Nev. Rev. Stat. 14.070(2), (6); *Browning v. Dixon*, 114 Nev. 213, 216
13 (1998).

14 **THE COURT FURTHER FINDS** that a plaintiff must exercise
15 reasonable diligence to search for the resident motorist defendant to effectuate
16 personal service before service of process may be effectuated through the DMV.
17 *Browning*, 114 Nev. at 216. The diligence required "is that which is reasonable
18 under the circumstances and not all possible diligence which may be conceived."
19 *Abreu v. Gilmer*, 115 Nev. 308, 312 (1999) (quoting *Parker v. Ross*, 217 P.2d
20 373, 379 (Utah 1950)).

21 **THE COURT FURTHER FINDS** that, in accordance with Nevada law,
22 this analysis must focus on the reasonableness of the due diligence efforts that
23 were taken by Sanchez, not whether other efforts could or should have been
24 taken. This Court previously evaluated the diligence used by Plaintiff Diane
25 Sanchez ("Sanchez") to locate Bon before the default judgment was entered
26 against Bon on July 19, 2019 and while considering Bon's Motion to Set Aside
27 Default Judgment, which this Court denied on September 19, 2020. On these

1 two (2) prior occasions, this Court concluded Sanchez satisfied the requisite due
2 diligence to locate Bon's whereabouts before effectuating service of process
3 through the DMV pursuant to NRS 14.070(6).

4 **THE COURT FURTHER FINDS** that, based upon the totality of the
5 circumstances, Sanchez exercised reasonable and appropriate diligent efforts to
6 locate Bon for personal service of the summons and complaint before substitute
7 service was made through the DMV by conducting standard process server
8 efforts, *to wit*: (1) attempted service at 3900 Cambridge Street, Suite 106, Las
9 Vegas, Nevada 89119, which was listed in the police report; and (2) records
10 searches with the Clark County Assessor's Office, Clark County Voter
11 Registration, local phone records, the DMV, and Premium Finder after learning
12 Bon's whereabouts were unknown to someone at the Cambridge Street address.

13 **THE COURT FURTHER FINDS** that Bon provided other information
14 in his Voluntary Statement attached to the police report, including a phone
15 number, the address at "4000 Abrams 89 Las Vegas, Nevada," and his
16 employer, "SouthWest Trees." Although the Abrams address and employer
17 information could have been used and would have been reasonable, the
18 existence of those other methods to effectuate personal service does not negate
19 the diligent efforts Sanchez undertook to locate Bon before effectuating service
20 of the summons and complaint through the DMV.

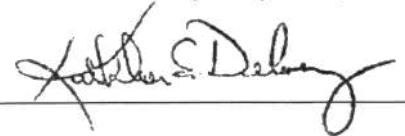
21 **THE COURT FURTHER FINDS** that although Bon was never served
22 with the amended complaint because a default was already entered against
23 him, there was no change in circumstances requiring Sanchez to serve the
24 amended complaint on Bon because because the nature of the original
25 allegations against Bon did not change in the amended complaint. Instead, the
26 amended complaint included additional allegations against defendant Joseph
27 Acosta, who answered the complaint and ultimately reached a settlement and

1 dismissal of all claims with prejudice before the entry of a default judgment
2 against Bon.

3 **THE COURT FURTHER FINDS** that NRCP 54(c) is not
4 unconstitutional and therefore, no relief from the default judgment is granted
5 on that basis.

6 **IT IS SO ORDERED.**

Dated this 16th day of September, 2021



10 Respectfully submitted by:

11 LEWIS ROCA ROTHGERBER CHRISTIE LLP

ABA D62 BEDC 9A27
Kathleen E. Delaney
District Court Judge

13 By: /s/ Abraham G. Smith

14 DANIEL F. POLSENBERG (SBN 2376)
15 JOEL D. HENRIOD (SBN 8492)
16 ABRAHAM G. SMITH (SBN 13,250)
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Las Vegas, Nevada 89169
(702) 949-8200

17 WILLIAM P. VOLK, (SBN 6167)
18 HOLLEY DRIGGS
19 400 S. Fourth Street
Suite 300
20 Las Vegas, Nevada 89101
(702) 791-0308
wvolk@nevadafirm.com

21 *Attorneys for Defendant Blas Bon*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/16/2021

15 William Volk

wvolk@klnevada.com

16 Joanne Hybarger

jhybarger@klnevada.com

17 Lennie Fraga

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18 Dana Marcolongo .

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19 Jenny Marimberga .

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20 Lauren Pellino .

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21 Lindsay Reid .

lindsay@tplf.com

22 William Volk

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23 William Schuller

wschuller@klnevada.com

24 eFiling District

nvdistrict@klnevada.com

25 E Service

eservice@egletlaw.com

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27
28
NBIS 000850

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Daniel Polsenberg	dpolsenberg@lewisroca.com
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Lisa Lee	llee@thedplg.com
Eservice Filing	eservice@thedplg.com
Cynthia Kelley	ckelley@lewisroca.com
Emily Kapolnai	ekapolnai@lewisroca.com

H. Sanchez
CLERK OF THE COURT

1 **AMOR**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
7 10801 West Charleston Boulevard
8 Suite 560
9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
11 Fax: (702) 534-7601
12 E-mail: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

17 DIANE SANCHEZ,
18
19 Plaintiff,

20 vs.

21 BLAS BON, individually; JOSEPH
22 ACOSTA, individually; WILFREDO
23 ACOSTA, individually; DOES I-X and
24 ROE CORPORATIONS I-X, inclusive,
25
26 Defendants.

Case No. A-15-722815-C
Dept. No. XXV

AMENDED ORDER GRANTING
PLAINTIFF'S MOTION PURSUANT TO
NRS 21.320 FOR JUDICIAL
ASSIGNMENT OF CLAIMS AND/OR
CAUSES OF ACTION DEFENDANT
BLAS BON HAS AGAINST ATX
PREMIER INSURANCE COMPANY,
ANY OTHER APPLICABLE LIABILITY
INSURER, ANY THIRD-PARTY
CLAIMS ADMINISTRATOR, ANY
THIRD-PARTY ADJUSTER, OR ANY
OTHER INSURANCE ENTITY

27 Plaintiff Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial
28 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX
Premier Insurance or any other Applicable Liability Insurer and Plaintiff Diane
Sanchez's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant
Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or
any other Insurance Entity Pursuant to NRS 21.320 were brought for hearing in
Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen
E. Delaney, on the 20th day of August, 2019 and the 8th day of September, 2020,
respectively. The Court having reviewed the pleadings and papers on file herein and
being duly advised in the premises:



1 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff
2 Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims
3 and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or any
4 other Applicable Liability Insurer and Plaintiff Diane Sanchez's Motion for Judicial
5 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any
6 Third-Party Claims Administrator, Third-Party Adjuster, or any other Insurance Entity
7 Pursuant to NRS 21.320 are **GRANTED**.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that all of
9 Defendant Blas Bon's claims or causes of action of any kind whatsoever, arising in
10 contract or tort, including but not limited to, claims for breach of contract, breach of the
11 duty of good faith and fair dealing, breach of the duty to settle, breach of the duty to
12 make reasonable settlement decisions, breach of the contractual duty to defend, and any
13 other tort claims or claims for breach of fiduciary duties against ATX Premier Insurance
14 Company, DMA Claims Management, Inc., DMA Claims, Inc., or any other liability
15 insurance company, third-party claims administrator, third-party claims adjuster, or
16 other applicable insurer, administrator, or entity, are judicially assigned to Plaintiff
17 Diane Sanchez to collect upon the judgment in the amount of \$15,212,655.73, plus any
post-judgment interest, that this Court entered on July 19, 2019.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Order
19 shall be broadly construed to ensure that any and all of Defendant Blas Bon's claims
20 and/or causes of action against any liability insurance company, third-party claims
21 administrator, third-party claims adjuster, or any other applicable insurer,
22 administrator, or entity are judicially assigned to Plaintiff Diane Sanchez.

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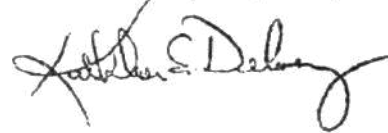
28 ...

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order clarifies the previous Order entered by this Court on August 20, 2019. This Order accurately reflects that this Court's intention has always been to judicially assign all of Defendant Blas Bon's claims and/or causes of action outlined above to Plaintiff Diane Sanchez.

IT IS SO ORDERED.

DATED this ____ day of August, 2021.

Dated this 16th day of September, 2021



DATED this 13th day of January, 2021.

15A CC6 E8A0 1FB0
Kathleen E. Delaney
District Court Judge
DATED this 15th day of January, 2021.

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS

/s/ Kevin T. Strong
DENNIS M. PRINCE
Nevada Bar No. 5092
KEVIN T. STRONG
Nevada Bar No. 12107
10801 West Charleston Boulevard
Suite 560
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Attorneys for Plaintiff
Diane Sanchez

/s/ William P. Volk
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Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s) CASE NO: A-15-722815-C
7 vs. DEPT. NO. Department 25
8 Blas Bon, 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 Amended Order was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/16/2021

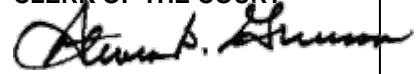
15 William Volk	wvolk@klnevada.com
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NBIS 000855

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6 Fax: (702) 534-7601
Email: eservice@thedplg.com
7 Attorneys for Plaintiff
Diane Sanchez

8
9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 DIANE SANCHEZ,
12
13 Plaintiff,

Case No. A-15-722815-C
Dept. No. XXV

14 vs.

15 BLAS BON, individually; JOSEPH
ACOSTA, individually; WILFREDO
16 ACOSTA, individually; DOES I-X and
ROE CORPORATIONS I-X, inclusive,

17 Defendants.

18
19 **NOTICE OF ENTRY OF AMENDED ORDER GRANTING PLAINTIFF'S**
20 **MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF**
21 **CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS**
22 **AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER**
23 **APPLICABLE LIABILITY INSURER, ANY THIRD-PARTY CLAIMS**
24 **ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER**
25 **INSURANCE ENTITY**

26 PLEASE TAKE NOTICE that the Amended Order Granting Plaintiff's Motion
27 Pursuant to NRS 21.320 for Judicial Assignment of Claims and/or Causes of Action
28 Defendant Blas Bon Has Against ATX Premier Insurance Company, Any Other
Applicable Liability Insurer, Any Third-Party Claims Administrator, Any Third-Party



1 Adjuster, or Any Other Insurance Entity was entered on the 21st day of September, 2021
2 in the above-referenced matter, a copy of which is attached hereto.

3 DATED this 21st day September, 2021.

4 **PRINCE LAW GROUP**

5 */s/ Kevin T. Strong*

6 _____
7 DENNIS M. PRINCE
8 Nevada Bar No. 5092
9 KEVIN T. STRONG
10 Nevada Bar No. 12107
11 10801 W. Charleston Boulevard
12 Suite 560
13 Las Vegas, NV 89135
14 Attorneys for Plaintiff
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,
3 and that on the 21st day of September, 2021, I caused the foregoing document entitled
4 **NOTICE OF ENTRY OF AMENDED ORDER GRANTING PLAINTIFF'S**
5 **MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF**
6 **CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS**
7 **AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER**
8 **APPLICABLE LIABILITY INSURER, ANY THIRD-PARTY CLAIMS**
9 **ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER**
10 **INSURANCE ENTITY** to be served upon those persons designated by the parties in
11 the E-Service Master List for the above-referenced matter in the Eighth Judicial
12 District Court eFiling System in accordance with the mandatory electronic service
13 requirements of Administrative Order 14-2 and the Nevada Electronic Filing and
14 Conversion Rules, as follows:
15

16 William P. Volk
17 Holley Driggs
18 400 South Fourth Street, Suite 300
19 Las Vegas, NV 89101
20 -And-
21 Daniel F. Polsenberg
22 Joel D. Henriod
23 Lewis Roca Rothgerber Christie
24 3993 Howard Hughes Parkway, Suite 600
25 Las Vegas, NV 89169
26 Attorneys for Defendant
27 *Blas Bon*
28

29 /s/ Amy Ebinger
30 An Employee of Prince Law Group

1 **AMOR**
2 DENNIS M. PRINCE
3 Nevada Bar No. 5092
4 KEVIN T. STRONG
5 Nevada Bar No. 12107
6 **PRINCE LAW GROUP**
7 10801 West Charleston Boulevard
8 Suite 560
9 Las Vegas, Nevada 89135
10 Tel: (702) 534-7600
11 Fax: (702) 534-7601
12 E-mail: eservice@thedplg.com
13 Attorneys for Plaintiff
14 *Diane Sanchez*

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

17 DIANE SANCHEZ,
18
19 Plaintiff,

20 vs.

21 BLAS BON, individually; JOSEPH
22 ACOSTA, individually; WILFREDO
23 ACOSTA, individually; DOES I-X and
24 ROE CORPORATIONS I-X, inclusive,
25
26 Defendants.

Case No. A-15-722815-C
Dept. No. XXV

AMENDED ORDER GRANTING
PLAINTIFF'S MOTION PURSUANT TO
NRS 21.320 FOR JUDICIAL
ASSIGNMENT OF CLAIMS AND/OR
CAUSES OF ACTION DEFENDANT
BLAS BON HAS AGAINST ATX
PREMIER INSURANCE COMPANY,
ANY OTHER APPLICABLE LIABILITY
INSURER, ANY THIRD-PARTY
CLAIMS ADMINISTRATOR, ANY
THIRD-PARTY ADJUSTER, OR ANY
OTHER INSURANCE ENTITY

27 Plaintiff Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial
28 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against ATX
Premier Insurance or any other Applicable Liability Insurer and Plaintiff Diane
Sanchez's Motion for Judicial Assignment of Claims and/or Causes of Action Defendant
Blas Bon has Against any Third-Party Claims Administrator, Third-Party Adjuster, or
any other Insurance Entity Pursuant to NRS 21.320 were brought for hearing in
Department XXV of the Eighth Judicial District Court, before The Honorable Kathleen
E. Delaney, on the 20th day of August, 2019 and the 8th day of September, 2020,
respectively. The Court having reviewed the pleadings and papers on file herein and
being duly advised in the premises:



1 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff
2 Diane Sanchez's Motion Pursuant to NRS 21.320 for Judicial Assignment of Claims
3 and/or Causes of Action Defendant Blas Bon has Against ATX Premier Insurance or any
4 other Applicable Liability Insurer and Plaintiff Diane Sanchez's Motion for Judicial
5 Assignment of Claims and/or Causes of Action Defendant Blas Bon has Against any
6 Third-Party Claims Administrator, Third-Party Adjuster, or any other Insurance Entity
7 Pursuant to NRS 21.320 are **GRANTED**.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that all of
9 Defendant Blas Bon's claims or causes of action of any kind whatsoever, arising in
10 contract or tort, including but not limited to, claims for breach of contract, breach of the
11 duty of good faith and fair dealing, breach of the duty to settle, breach of the duty to
12 make reasonable settlement decisions, breach of the contractual duty to defend, and any
13 other tort claims or claims for breach of fiduciary duties against ATX Premier Insurance
14 Company, DMA Claims Management, Inc., DMA Claims, Inc., or any other liability
15 insurance company, third-party claims administrator, third-party claims adjuster, or
16 other applicable insurer, administrator, or entity, are judicially assigned to Plaintiff
17 Diane Sanchez to collect upon the judgment in the amount of \$15,212,655.73, plus any
post-judgment interest, that this Court entered on July 19, 2019.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Order
19 shall be broadly construed to ensure that any and all of Defendant Blas Bon's claims
20 and/or causes of action against any liability insurance company, third-party claims
21 administrator, third-party claims adjuster, or any other applicable insurer,
22 administrator, or entity are judicially assigned to Plaintiff Diane Sanchez.

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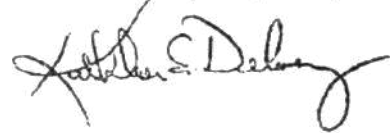
28 ...

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order clarifies the previous Order entered by this Court on August 20, 2019. This Order accurately reflects that this Court's intention has always been to judicially assign all of Defendant Blas Bon's claims and/or causes of action outlined above to Plaintiff Diane Sanchez.

IT IS SO ORDERED.

DATED this ____ day of August, 2021.

Dated this 16th day of September, 2021



DATED this 13th day of January, 2021.

15A CC6 E8A0 1FB0
Kathleen E. Delaney
District Court Judge
DATED this 15th day of January, 2021.

Respectfully Submitted By:

Approved as to Form and Content:

PRINCE LAW GROUP

HOLLEY DRIGGS

/s/ Kevin T. Strong
DENNIS M. PRINCE
Nevada Bar No. 5092
KEVIN T. STRONG
Nevada Bar No. 12107
10801 West Charleston Boulevard
Suite 560
Las Vegas, Nevada 89135
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Fax: (702) 534-7601
Attorneys for Plaintiff
Diane Sanchez

/s/ William P. Volk
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Tel: (702) 791-0308
Fax: (702) 791-1912
Attorney for Defendant
Blas Bon

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Diane Sanchez, Plaintiff(s)

CASE NO: A-15-722815-C

7 vs.

DEPT. NO. Department 25

8 Blas Bon, Defendant(s)

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10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/16/2021

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NBIS 000863

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Lisa Lee	llee@thedplg.com
Eservice Filing	eservice@thedplg.com
Cynthia Kelley	ckelley@lewisroca.com
Emily Kapolnai	ekapolnai@lewisroca.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

October 04, 2016

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

October 04, 2016 9:00 AM Motion for Leave

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Court noted it did not receive an opposition to the motion. Mr. Kristoff advised the motion was e-served to the parties. COURT ORDERED, motion GRANTED; Order SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 11, 2017

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 11, 2017 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M. Attorney
 Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Finch stated Deft. Bon is very much aware of the case and requested time to try to serve Deft. Bon again. Colloquy regarding how much time the Court should allow for service. COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED; the Court will allow another SIXTY (60) DAYS to serve Deft. Blas Bon. Mr. Finch is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 26, 2017

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 26, 2017 9:00 AM Motion to Continue Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M. Attorney

JOURNAL ENTRIES

- Ms. Finch stated the basis of the Motion is that this is a big case, treatment is still ongoing; Deft. just had another surgery. COURT STATED ITS FINDINGS, NOTING good cause has been shown and there is excusable neglect as there is more treatment ongoing. Ms. Finch stated recent medical bills and treatment records are still coming, she has not had the opportunity to subpoena those records and wants her experts to review them so they can supplement their reports. Also, she would like to speak with the Plft. as to their current status. Colloquy regarding scheduling. COURT ORDERED, Joint Motion GRANTED, Trial date VACATED and RESET; the Discovery cut-off date is 02/09/18, the Dispositive Motions and Motions in Limine cut-off date is 03/09/18, a Trial Order TO ISSUE.

05/15/18 10:30 A.M. CALENDAR CALL

05/21/18 10:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 27, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

March 27, 2018 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- Mr. Kristof argues a Jury Questionnaire would streamline the process and help to get more honest answers from potential jurors. Ms. Mazzei argued some of the scenarios brought up by Pltf's. counsel are far fetched; a potential juror, when given multiple pages of a questionnaire, may just rush through it and not pay attention. Additional argument by counsel. COURT ORDERED, Motion DENIED, and STATED ITS FINDINGS. Mr. Kristof is to prepare the Order, provide a copy to opposing counsel for review as to form and content and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 10, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 10, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLTF'S. MOTION IN LIMINE...DEFT. /CROSS-CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE

No parties present. COURT NOTED a Stipulation and Order to Continue was received, and ORDERED, today's matters OFF CALENDAR due to the parties STIPULATION to CONTINUE.

CLERK'S NOTE: A copy of this minute order was electronically served on counsel. /sb 04/13/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 24, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 24, 2018 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- PLTF'S. MOTIONS IN LIMINE...DEFT. / CROSS CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE

Colloquy regarding the parties not discussing and stipulating to any items in the opposing counsel's Motion in Limine prior to today's hearing. Colloquy regarding resetting the matter to allow counsel to argue the 5 to 6 items they feel need addressing that would not be stipulated to. MATTER TRAILED, for counsel to check their upcoming schedules.

MATTER RECALLED, all parties present as before. COURT ORDERED, the matter would be RESET to a date convenient to counsel and compatible with the Court's schedule.

CONTINUED TO: 04/25/18 1:30 P.M. (BOTH)

CLERK'S NOTE: Subsequent to Court, COURT FURTHER ORDERED, the matters RESET to 04/25/18 @ 1:30 p.m. A copy of this minute order was electronically served on all registered parties. /sb 04/24/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

April 25, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

April 25, 2018 1:30 PM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Kristof, Michael A. Attorney
 Mazzei, Stephanie A. Attorney

JOURNAL ENTRIES

- DEFT. / CROSS CLAIMANT JOSEPH ACOSTA'S MOTION IN LIMINE / PLTF'S. MOTION IN LIMINE

With regard to Deft's. / Cross Claimant Acosta's Motion in Limine, COURT ORDERED as follows:

DEFT'S. MOTION IN LIMINE NO. 1 - Following argument by counsel, GRANTED IN PART, counsel can inquire of the doctor if treatment as on a medical lien if counsel does not know if the lien has been sold; if counsel is aware the lien has been sold they may not inquire. COURT STATED FINDINGS. Mr. Kistof stated he will inquire as to the status of the lien and contact opposing counsel.

DEFT'S. MOTION IN LIMINE NO. 2 - Following argument by counsel, DENIED WITHOUT PREJUDICE as drafted; it is possible there could be an objection to something at the time of trial. COURT STATED FINDINGS.

DEFT'S. MOTION IN LIMINE NO. 3 - Following argument by counsel, GRANTED, with the understanding the treating physicians are limited to discussing their treatment of the patient. The experts are not to testify to things outside the scope of their expertise; if they reviewed the doctor's

other records they can testify to that, causation and future treatment. The Court does not want the treating physician to review records and speak to things that weren't part of the treatment of Pltf.

DEFT'S. MOTION IN LIMINE NO. 4 - Following argument by counsel, DENIED; the Court does not believe there is any legitimate dispute Dr. Smith needs the standard. Court believe it would be an abuse of its discretion to exclude Dr. Smith. Dr. Smith will be allowed to testify. COURT STATED FINDINGS

With regard to Pltf's. Motion in Limine, COURT ORDERED as follows:

PLTF'S. MOTION IN LIMINE NO. 1 - Following argument by counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 2 - With there being no argument from counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 3 - Following argument by counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 4 - With there being no argument from counsel, GRANTED; with the understanding Deft's. counsel can inquire as to medical providers, when they were retained and if counsel was retained first.

PLTF'S. MOTION IN LIMINE NO. 5 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 6 - DENIED.

PLTF'S. MOTION IN LIMINE NO. 7 - Following argument by counsel, GRANTED; it must be reciprocal.

PLTF'S. MOTION IN LIMINE NO. 8 - With there being no argument from counsel, DENIED WITHOUT PREJUDICE.

PLTF'S. MOTION IN LIMINE NO. 9 - Following argument by counsel, GRANTED; it must be reciprocal.

PLTF'S. MOTION IN LIMINE NO. 10 - GRANTED IN PART, in accordance with Deft's. Motion in Limine No. 1. Counsel can inquire of the doctor if treatment as on a medical lien if counsel does not know if the lien has been sold; if counsel is aware the lien has been sold they may not inquire. COURT STATED FINDINGS. Mr. Kistof stated he will contact opposing counsel following inquiry into the status of the lien.

PLTF'S. MOTION IN LIMINE NO. 11 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 12 - Following argument by counsel, DENIED.

PLTF'S. MOTION IN LIMINE NO. 13 - Following argument by counsel, Motion GRANTED with reference to particular terms and accusations; to the extent that there is something that comes to light in the trial that would allow Deft. to proffer and make argument on the Motion, counsel would not be excluded from doing so. The GRANTING of the Motion does not preclude argument regarding credibility.

PLTF'S. MOTION IN LIMINE NO. 14 - COURT STATED ITS FINDINGS; the best course is to remove any conflicts. The Court does not know that the doctor's reports should be referred to as independent. The Court's decision will apply both ways. Motion GRANTED.

PLTF'S. MOTION IN LIMINE NO. 15 - GRANTED; so the parties don't run afoul of where they are supposed to go with these types of questions.

PLTF'S. MOTION IN LIMINE NO. 16 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 17 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 18 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 19 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 20 - GRANTED, it is to be reciprocal between the parties.

PLTF'S. MOTION IN LIMINE NO. 21 - Following argument by counsel, GRANTED IN PART / DENIED IN PART; GRANTED as to Pltf., DENIED as to 3rd parties. There is nothing to preclude counsel from pointing the figure at the "empty chair."

PLTF'S. MOTION IN LIMINE NO. 22 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 23 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 24 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 25 - COURT STATED FINDINGS; GRANTED.

PLTF'S. MOTION IN LIMINE NO. 26 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 27 - DENIED; a more appropriate to be dealt with at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 28 - GRANTED, on the understanding the basis for Pltf's.

termination did not go to credibility, it was medical. To the extent anything comes to light otherwise it can be brought up at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 29 - GRANTED, on the understanding the basis for Pltf's. termination did not go to credibility, it was medical. To the extent anything comes to light otherwise it can be brought up at the time of trial.

PLTF'S. MOTION IN LIMINE NO. 30 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 31 - GRANTED, as unopposed.

PLTF'S. MOTION IN LIMINE NO. 32 - DENIED.

PLTF'S. MOTION IN LIMINE NO. 33 - DENIED WITHOUT PREJUDICE. COURT STATED FINDINGS; counsel can make objections at the time of trial as to relevance and in line with other Motions In Limine heard today. The Court will address it at the time of trial.

COURT DIRECTED counsel to prepare the Orders for their respective Motions, provide a copy to opposing counsel for review a to form and content, and return them back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

May 15, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

May 15, 2018 10:30 AM Calendar Call

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Renee Silvaggio

PARTIES

PRESENT: Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Kristof stated Ms. Finch was present for Deft. but had to leave as she is in trial; Ms. Finch further indicated she has another trial set in June and request the Trial date be reset. Mr. Kristof stated the parties agree the matter can be reset to next stack. COURT ORDERED, due to Deft's. counsel being unavailable, Trial date VACATED and RESET.

07/24/18 10:30 A.M. CALENDAR CALL

07/30/18 10:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

July 24, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

July 24, 2018 10:30 AM Pretrial/Calendar Call

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M. Attorney
 Kristof, Michael A. Attorney

JOURNAL ENTRIES

- Ms. Finch noted there is a Default Judgment pending against Deft. Blas Bon with respect to Pltf. that has not been resolved yet. Adding, the active cases, Deft's. Acosta, have entered into a confidential settlement agreement; it is being drafted, it has not been not executed yet. Mr. Kristof concurred; the matter is resolved as to Deft's. Acosta, Deft. Blas Bon defaulted some time ago. COURT NOTED, the Default Judgements have not been completed, and ORDERED a Status Check SET. Mr. Kristof noted a Prove Up Hearing will be required, the amounts are over \$50,000.00

09/25/18 9:00 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS / DEFAULT JUDGEMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 25, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 25, 2018 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Finch, Renee M.

Attorney

JOURNAL ENTRIES

- Mr. Finch indicated Mr. Kristol had a calendaring issue and would not be appearing. COURT SO NOTED. Mr. Finch stated he has all the releases for his clients, he is waiting upon the checks. As to the Default, he understands Mr. Prince will be associating in. Colloquy regarding scheduling, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 11/27/18 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

November 27, 2018

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

November 27, 2018 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Strong, Kevin T.

Attorney

JOURNAL ENTRIES

- COURT NOTED, there had been no updates indicating Deft. would appear; there is a Stipulation and Order to Dismiss the Compliant between Pltf. and the other Deft's. Mr. Strong stated he would prepare the Application for Default Judgment; Eglet Prince have associated in. COURT ORDERED, matter CONTINUED. The Court's expectation is that the Application will be filed, the Prove-Up Hearing set and completed by the next scheduled Court date.

CONTINUED TO: 1/29/18 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

January 29, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

January 29, 2019 9:00 AM Status Check

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Trummell, James A. Attorney

JOURNAL ENTRIES

- Mr. Trummell stated the parties are still updating and receiving the paid medical records for completion of the settlement and requested the matter be continued. Clarifying, they want to make sure the numbers are as accurate as possible. Colloquy regarding scheduling and the Court's expectations the matter will be complete prior to the next setting. COURT ORDERED, matter CONTINUED; the future Court date can be VACATED with receipt of the appropriate documents in sufficient time.

CONTINUED TO: 04/02/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

June 11, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

**June 11, 2019 9:00 AM Motion for Default
Judgment**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Prince, Dennis M Attorney
Strong, Kevin T. Attorney

JOURNAL ENTRIES

- COURT NOTED, all the doctor's records have been documented. Given the damages, medical records and NOTING the specials numbers are in line, given the breadth and depth of documentation, COURT ORDERS, Application GRANTED. Amounts AWARDED as follows:

Past medical damages of \$465,285.01

Future medical damage of \$827,038.00

Past and future lost wages and employee benefits of \$840,260.06

Past and future lost household services of \$446,334.00

Future reduction in the value of life damages of \$2,685.877.00

Past pain and suffering damages of \$2,000,000.00

Future pain and suffering damages of \$3,000,000.00

Pre- Judgement interest accruing at the statutory rate from 08/07/15, the date of the filing of the Complaint, until the full Judgment amount is paid to Pltf.

Attorney's fees and costs incurred.

COURT ADVISED a separately filed Memorandum of Fees and Costs is to be filed; COURT FINDS

the attorney fees and costs to be justified. Mr. Prince is to prepare the Order with the findings of facts and conclusions of law, and serve a copy upon Deft. at the same time it is provided to the Court, within 10 days of today's hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

August 20, 2019

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

August 20, 2019 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Strong, Kevin T. Attorney

JOURNAL ENTRIES

- COURT NOTED, the Motion is unopposed; there does appear to be a legal basis to assume these claims do exist. Upon Court's inquiry, Mr. Strong he has not had any contact from the other side; a copy of the motion was mailed to Deft's. last known address. COURT STATED FINDINGS, ORDERED, Motion GRANTED, and SIGNED the Order provided IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 25, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

**February 25, 2020 9:00 AM Motion to Set Aside
Default Judgment**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Robert Cangemi**PARTIES**

PRESENT:	Prince, Dennis M	Attorney
	Strong, Kevin T.	Attorney
	Volk, William P	Attorney

JOURNAL ENTRIES

- COURT NOTED, there is extensive briefing provided. Arguments regarding service on Mr. Bon and his non-participation in the case, if the matter is insurance company driven, and the interpretation of Rule 60(b). Mr. Prince argued Deft. had full and fair opportunity to participate in the case, they made the decision not to participate in the litigation despite there being notice of it. There is a Federal law suit; they still can't find Deft. A letter was sent to Deft's. counsel, they are refusing to provide Deft's. address. There is a question as to who hired counsel. Mr. Volk argued Pltf. never exercised due diligence in trying to serve Deft. Pltf. and prior counsel had Deft's. address in the voluntary statement from the Nevada Highway Patrol statement; they had Deft's. employer and employer's address. They dropped off a letter at a community center run by the County that was returned as unclaimed.

COURT STATED FINDINGS, and ORDERED, Motion DENIED. There is ample evidence Court vetted and approved the way service took place; that is a resolved issue. There is ample evidence that there was notice on the part of the insurance company. COURT FINDS inexcusable neglect because we have neglect of the case, but there is not an excuse for it. Service was effectuated.

COURT DETERMINED there was diligence and allowed for service in an alternative way. There is no affidavit from Mr. Bon. Mr. Prince is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days. COURT ADVISED It fully expects Its decision to be challenged due to the amount of money at stake.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

September 08, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

September 08, 2020 9:00 AM Motion

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Prince, Dennis M	Attorney
	Strong, Kevin T.	Attorney
	Volk, William P	Attorney

JOURNAL ENTRIES

- Counsel appeared telephonically.

COURT NOTED, the dispute is specifically as to DMA. There is a challenge to the Court's prior Order, specifically regarding the language and it being inclusive of claims administrators, third party adjusters or any other insurance entity pursuant to NRS 21.320. Clarification is requested on the 08/20/19 Order. Mr. Prince stated the claims against Deft. Bon have been adjudicated, he is now a judgment debtor. Mr. Prince argued if his client has a viable claim it is not before the Court, Federal Court is entertaining various Motions. This is no violative of the Stay Order it is just determining the rights to be assigned. Another Court will determine the viability of the claim. Mr. Volk noted Mr. Prince did clarify and it is stated on page 3 and 4 in the Reply Brief Pltf is merely seeking to confirm that Court judicially assigns all of Bon's claims against any culpable insurance company or insurance entity including third party claims, administrators or adjusters. Mr. Volk requested the Court clarify It's previous ruling as stated by Pltf. as that would essentially get that out of the way.

COURT STATED FINDING ORDERED, Motion GRANTED and CLARIFIED it was the Court's intention to assign any options Mr. Bon might have had for claims. Mr. Prince's point is well taken

that any effort to sort of get in the way of some collection by Pltf. is detrimental to the Deft. not positive to Deft. COURT'S INTENTION was to allow the assignment of claims such as being sought here against DMA. Mr. Prince is to submit an Amended Order with the broader language. Colloquy regarding the competing Orders submitted for the Motion to Set Aside Default. COURT DIRECTED counsel to resubmit the Orders through the new order system and communicate with the Court's staff when they are submitted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

November 24, 2020

A-15-722815-C Diane Sanchez, Plaintiff(s)
vs.
Blas Bon, Defendant(s)

November 24, 2020 9:00 AM Motion to Rehear

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT: Polsenberg, Daniel F. Attorney
Prince, Dennis M Attorney
Smith, Abraham G. Attorney
Volk, William P Attorney

JOURNAL ENTRIES

- Counsel appeared telephonically.

Extensive arguments by counsel regarding Pltf's. attempts at service upon Deft. Bon, the contact information Mr. Bon provided following the accident, Mr. Bon's transient status, and Deft's. standing as a permissive user of the vehicle; he was not a policy holder. Additional arguments regarding the rules the Court should apply and Deft's. counsel's relationship as counsel for the insurance company.

COURT ADVISED, It is DECLINING to GRANT the Motion and STATED FINDINGS. We have assessed these efforts at different times and in different ways for different reasons questioning if there should have been a Default Judgment and if the Default Judgment should have been at the amount that it is at. Court does NOT see a sufficient basis here that due diligence was lacking. There was for the Court's prospective appropriate due diligence. COURT STATED FURTHER FINDINGS. COURT does NOT believe an Evidentiary Hearing is necessary, It does not really believe these factors into the dispute. Court does NOT FIND the judgment void, COURT FINDS that there was appropriate, diligent efforts to serve and that substitute service was appropriate based upon the totality of the

circumstance here, notwithstanding the fact that there could have been additional efforts.

ADDITIONAL FINDINGS STATED. Court does NOT think that there is any traction for any argument that the pleading of jurisdictional minimums now somehow now binds parties to the minimums for default. Mr. Prince is to prepare the Order, provide a copy to opposing counsel for review as form and content, and return it back to the Court within 10 days.

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):

SECOND AMENDED NOTICE OF APPEAL; SECOND AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT BLAS BON'S MOTION TO SET ASIDE DEFAULT JUDGMENT; NOTICE OF ENTRY OF ORDER DENYING DEFENDANT BLAS BON'S MOTION TO SET ASIDE DEFAULT JUDGMENT; ORDER DENYING DEFENDANT BLAS BON'S MOTION FOR REHEARING AND TO ALTER OR AMEND THE JUDGMENT AND ORDER DENYING RULE 60(B) RELIEF; NOTICE OF ENTRY OF "ORDER DENYING DEFENDANT BLAS BON'S MOTION FOR REHEARING AND TO ALTER OR AMEND THE JUDGMENT AND ORDER DENYING RULE 60(B) RELIEF"; AMENDED ORDER GRANTING PLAINTIFF'S MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER APPLICABLE LIABILITY INSURER, AND THIRD-PARTY CLAIMS ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER INSURANCE ENTITY; NOTICE OF ENTRY OF AMENDED ORDER GRANTING PLAINTIFF'S MOTION PURSUANT TO NRS 21.320 FOR JUDICIAL ASSIGNMENT OF CLAIMS AND/OR CAUSES OF ACTION DEFENDANT BLAS BON HAS AGAINST ATX PREMIER INSURANCE COMPANY, ANY OTHER APPLICABLE LIABILITY INSURER, AND THIRD-PARTY CLAIMS ADMINISTRATOR, ANY THIRD-PARTY ADJUSTER, OR ANY OTHER INSURANCE ENTITY; DISTRICT COURT MINUTES

DIANE SANCHEZ,

Plaintiff(s),

vs.

BLAS BON,

Defendant(s),

Case No: A-15-722815-C

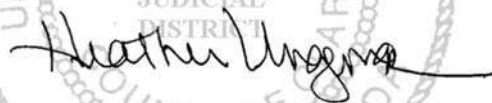
Dept No: XXV

now on file and of record in this office.

NBIS 000889

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of October 2021.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE DISTRICT OF NEVADA" and "JUDICIAL DISTRICT".

Heather Ungermann, Deputy Clerk
A-15-722815-C