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JAN 18 2022

FILED

JULIANA LOZA, Pro-se

9504 Highridge Place

Beverly Hills, CA 90210

Telephone: (310) 858-1093 (Ext 101)

E-Mail: juliana.loza@athena.us.com

Douglas County
District Court Clerk

2022 JAN 18 PM 4:54

ROBERT F. WILLIAMS

Electronically Filed
Feb 16 2022 12:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appearing in propria Personal for Defendant
JULIANA LOZA (Aka JULIANA MAYER
LOZA) as OFFICER OF THE ATHENA
MEDICAL GROUP, INC. (A Nevada
Corporation.

IN THE NINTH JUDICIAL DISTRICT COURT OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

LEVERTY & ASSOCIATES LAW, CHT'D.

Plaintiff.

CASE-NO: 2021-CV-00057

DEPT. NO: 1

JUDGE: HON. YOUNG

vs.

Athena Medical Group Defined Contribution
Pension Plan and Trust Number Three; Athena
Medical Group, Inc. E. R. I. S. A. Retirement Trust;
Athena Medical Group Inc., a Nevada Corporation,
Athena Medical Group Corp., a Nevada non filing
entity; Athena Medical Group, Inc. Defined Benefit
Pension Plan and Trust Cht'd.; The Estate of Ray
W. Exley; Ingrid vats Vuerings individually and as
a corporate officer of Athena Medical Group and as
Trustee of the
Athena Medical Group Inc. Defined Pension Plan
and Trust Number Three; Ingrid van Vuerings as
Trustee for Athena Medical Group Inc. Defined
Benefit Pension Plan and Trust. Cht'd.; Juliana
Mayer Loza as a corporate officer of Athena
Medical Group, Inc., and as "Trustee of the Athena
Medical Group Defined Pension Plan and as "Trust
Number Three", Juliana Mayer Loza as
Special Administrator and Personal Representative
of Ray Exley Estate; Ray W. Exley, M. D. Nevada
Family Trust; Juliana Mayer Loza; Athena Medical
Group, Inc. Defined Contribution Plan Number
Two; Juliana Mayer Loza as Trustee of Athena
Medical Group, Inc. Defined Contribution Plan
Number Two; Does 1 through XXX: ABC
Corporations A -M; and N- 7. Limited liability
Partnerships.
Defendants.

Defendants.

NOTICE OF APPEAL OF ORDER
DENYING THE MOTION TO SET
ASIDE DEFAULT AND VACATE
DEFAULT JUDGMENT.

NOTICE OF APPEAL

Notice is hereby given that Juliana Loza (aka Juliana Mayer Loza) an individual and as President of the Athena Medical Group, Inc., (A Nevada Corporation) et.al. pursuant to NRS 38.247(1)(a), hereby appeals to the Nevada Supreme Court from the ORDER Denying the Motion to Set Aside Default and Vacate Default Judgment entered in this action by the Honorable District Court Judge Young.

Dated this 18th day of January, 2022.

By: 

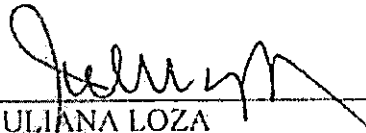
JULIANA LOZA, Defendant in Pro-Se

AFFIRMATION PURSUANT TO NRS 239B.030 AND 603A.040

The undersigned does hereby affirm that this document filed in this case number does not contain the personal information of any person.

Dated this 15th day of June, 2021.

By:


JULIANA LOZA
Defendant appearing PRO-SE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) I certify that I am not a party to the above reference case and I served the foregoing document as follows:

[X] By placing an original and true copy thereof in a sealed envelope with prepaid postage and placed for collection for mailing in the United States Mail at Beverly Hills, California following the ordinary business practices.

Addressed as follows:

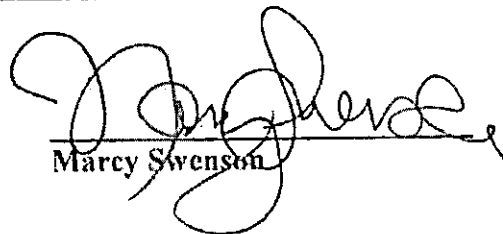
LEVERTY AND ASSOCIATES
832 WILLOW ST,
RENO, NV 89502

KIRK NEVADA WALKER, ESQ.
NEVADA WALKER, PLLC
400 SOUTH 4TH STREET, SUITE 500
LAS VEGAS, NV 89101

GENE M. KAUFMANN, ESQ.
SULLIVAN LAW
1625 STATE ROUTE 88, SUITE 401
MINDEN, NV 89423

ATHENA MEDICAL GROUP, INC.
112 N CURRY ST,
CARSON CITY, NV 89703

Dated this 18th Day of January, 2022


Marcy Swenson

RECEIVED

Form 2. Case Appeal Statement

FEB 15 2022 FILED

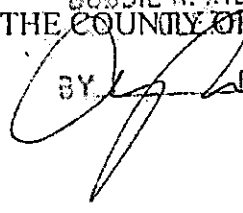
No. 2021-CV-00057

Douglas County
District Court Clerk

Dept. No. 11

FEB 15 PM 1:01

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

BY  DEPUTY

LEVERTY & ASSOCIATES LAW CHTD,

Appellant,

vs

ATHENA MEDICAL GROUP DEFINED
CONTRIBUTION PENSION PLAN AND
TRUST NUMBER THREE; ATHENA
MEDICAL GROUP, INC. E.R.I.S.A.
RETIREMENT TRUST; ATHENA MEDICAL
GROUP INC., A NEVADA CORPORATION
AKA ATHENA MEDICAL GROUP CORP.,
A NEVADA NON FILING ENTITY;
ATHENA MEDICAL GROUP, INC. DEFINED
BENEFIT PENSION PLAN AND TRUST
CHTD.; THE ESTATE OF RAY W. EXLEY;
INGRID VAN VUERINGS INDIVIDUALLY
AND AS A CORPORATE OFFICER OF
ATHENA MEDICAL GROUP AND AS
TRUSTEE OF THE ATHENA MEDICAL
GROUP INC. DEFINED PENSION PLAN
AND TRUST NUMBER THREE; INGRID
VAN VUERING AS TRUSTEE FOR ATHENA
MEDICAL GROUP INC. DEFINED BENEFIT
PENSION PLAN AND TRUST, CHTD.;
JULIANA MAYER LOZA AS A CORPORATE
OFFICER OF ATHENA MEDICAL GROUP,
INC.; AND AS TRUSTEE OF THE ATHENA
MEDICAL GROUP DEFINED PENSION PLAN
AND TRUST NUMBER THREE; JULIANA
MAYER LOZA AS SPECIAL ASMINISTRATOR
AND PERSONAL REPRESENTATIVE OF RAY
EXLEY ESTATE; RAY W. EXLEY M.D. NEVADA
FAMILY TRUST; JULIANA MAYER LOZA;
ATHENA MEDICAL GROUP, INC. DEFINED
CONTRIBUTION PLAN NUMBER TWO;
JULIANA MAYER LOZA AS TRUSTEE OF
ATHENA MEDICAL GROUP, INC. DEFINED
CONTRIBUTION PLAN NUMBER TWO; DOES

1 I THROUGH XXX; ABC CORPORATIONS A-M;
2 AND N-Z LIMITED LIABILITY PARTNERSHIPS,

3 Respondent.

4 CASE APPEAL STATEMENT

- 5 1. Name of appellant filing this case appeal statement:
Athena Medical Group et al.
- 6 2. Identify the Judge issuing the decision, judgment, or order appealed from:
Honorable Thomas W. Gregory.
- 7 3. Identify each appellant and the name and address of counsel for each appellant:
8 Athena Medical Group represented by Kirk Nevada Walker Esq., 400 South 4th Street,
Suite 500, Las Vegas, NV 89101.
- 9 4. Identify each respondent and the name and address of appellate counsel, if known, for each
respondent (if the name of a defendant's appellate counsel is unknown, indicate as much
10 and provide the name and address of that respondent's trial counsel):
Leverty & Associates Law CHTD and represented by Vernon E. Leverty, Esq., 832 Willow
11 Street, Reno, NV 89502, Jess P. Rinehart, Esq., 832 Willow Street, Reno, NV 89502 and
12 William R. Ginn Esq., 832 Willow Street, Reno, NV 89502.
- 13 5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed
to practice law in Nevada and, if so, whether the district court granted that attorney
14 permission to appear under SCR 42 (attach a copy of any district court order granting such
permission):
15 N/A.
Indicate whether appellant was represented by appointed or retained counsel in the district
16 court:
Kirk N. Walker Esq. - retained
- 17 6. Indicate whether respondent is represented by appointed or retained counsel on appeal:
18 Vernon E. Leverty Esq. - retained
19 Jess P. Rinehart Esq. - retained
William R. Ginn Esq. - retained
- 20 7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of
entry of the district court order granting such leave:
21 N/A
- 22 8. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
indictment, information, or petition was filed):
The Complaint was filed on August 6, 2021.
- 23 9. Provide a brief description of the nature of the action and result in the district court,
24 including the type of judgment or order being appealed and the relief granted by the
court: This is a civil matter in which the Order Denying the Motion to Set Aside Default
and Vacate Default Judgment was filed on December 2, 2021.
- 25 10. Indicate whether the case has previously been the subject of an appeal to or original writ
26 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
of the prior proceeding:
27 N/A
- 28 11. Indicate whether this appeal involves child custody or visitation:
No.

1 12. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
2 N/A

3 Dated this 15th day of February, 2022

4 Deputy Clerk
5 P.O. Box 218
6 Minden, Nevada 89423
7 775-782-9820
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Douglas County District Court

Case Summary Report

Case #: 2021-CV-00057

Case Title: Levery & Associates Law Chtd. vs. Athena Medical Group Defined Contribution, Et Al.

Filed: 03/23/2021

Cause: Real Property: Other Title to Property

DV: N

Case Status: Reopened

Date: 07/15/2021

Archived: 12/03/2021, 12/01/2021, 12/01/2021, 11/10/2021, 10/08/2021, 10/06/2021, 08/23/2021,

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>
Plaintiff	Levery & Associates Law Chtd.	
Defendant	Athena Medical Group Defined Contribution, Et Al.	

<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Ginn, William R.	6989	Current	
Attorney	Rinehart, Jess P.	11697	Current	
Attorney	Levery, Vernon E.	1266	Current	
Attorney	Walker, Kirk Nevada	11315	Current	

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
10/11/2021	Evidentiary Hearing	Continued	Stipulated
11/17/2021	Bench Trial	Concluded	

Documents

<u>Date</u>	<u>Code</u>	<u>Description</u>
	MINS	Minutes
03/23/2021	DCOM	Complaint
03/23/2021	DSBA	Summons Issued - Juliana Mayer Loza
03/23/2021	DSBA	Summons Issued - Juliana Mayer Loza as Trustee of Athena Medical Group, Inc. Defined Contribution Plan Number Two
03/23/2021	DSBA	Summons Issued - Athena Medical Group, Inc Defined Contribution Plan Number Two
03/23/2021	DSBA	Summons Issued - Juliana Mayer Loza as Special Administrator and Personal Representative of Ray Exley Estate
03/23/2021	DSBA	Summons Issued - Ray W. Exley M.D. Nevada Family Trust
03/23/2021	DSBA	Summons Issued - Ingrid Van Vuerings as Trustee For Athena Medical Group Inc. Defined Benefit Pension Plan and Trust, CHTD.
03/23/2021	DSBA	Summons Issued - Juliana Mayer Loza as a corporate officer of Athena Medical Group, Inc. and as Trustee of the Athena Medical Group Defined Pension Plan and Trust Number Three
03/23/2021	DSBA	Summons Issued - Ingrid Van Vuerings Individually and as a Corporate Officer of Athena Medical Group and as Trustee of the Athena Medical Group, Inc. Defined Pension Plan and Trust Number Three
03/23/2021	DSBA	Summons Issued - The Estate of Ray W. Exley
03/23/2021	DSBA	Summons Issued - Athena Medical Group, Inc. Defined Benefit Pension Plan an Trust CHTD.
03/23/2021	DSBA	Summons Issued - Athena Medical Group Inc., a Nevada Corporation aka Athena Medical Group Corp., a Nevada Non Filing Entity
03/23/2021	DSBA	Summons Issued - Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust
03/23/2021	DSBA	Summons Issued - Athena Medical Group Defined Contribution Pension Plan and Trust Number Three
03/31/2021	DPCH	Peremptory Challenge
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Ingrid Van Vuerings Individually and As A Corporate Officer of Athena Medical Group and As Trustee of the Athena Medical Group, Inc. Defined Pension Plan and Trust, (Chtd).

<u>Date</u>	<u>Code</u>	<u>Description</u>
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Ingrid Van Vuerings Individually and As A Corporate Officer of Athena Medical Group and As Trustee of the Athena Medical Group, Inc. Defined Pension Plan and Trust Number Three
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Juliana Mayer Loza as Trustee of Athena Medical Group, Inc. Defined Contribution Plan Number Two
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Juliana Mayer Loza as a Corporate Officer of Athena Medical Group, Inc. and as Trustee of the Athena Medical Group Defined Pension Plan and Trust Number Three
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Ray W. Exley M.D. Nevada Family Trust
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Juliana Mayer Loza
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint The Estate of Ray W. Exley
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Athena Medical Group, Inc. Defined Pension Plan and Trust Chtd.
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Athens Medical Group, Inc. Defined Contribution Plan Number Two
04/14/2021	DDEC	Declaration of - Service of Summons and Complaint Athena Medical Group Defined Contribution Pension Plan and Trust Number Three
04/23/2021	DDEF	Default - Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust
04/23/2021	DDEF	Default - Defendant Juliana Mayer Loza
04/23/2021	DDEF	Default - Defendant Ingrid Van Vuerings Individually and as a Corporate Officer of Athena Medical Group and as Trustee of the Athena Medical Group, Inc. Defined Pension Plan and Trust Number Three
04/23/2021	DDEF	Default - Defendant Ray W. Exley M.D. Nevada Family Trust
04/23/2021	DDEF	Default - Defendant Juliana Mayer Loza as a Corporate Officer of Athena Medical Group, Inc. and as Trustee of the Athena Medical Group Defined Pension Plan and Trust Number Three
04/23/2021	DDEF	Default - Defendant Juliana Mayer Loza as Trustee of Athena Medical Group, Inc. Defined Contribution Plan Number Two
04/23/2021	DDEF	Default - Defendant Athena Medical Group, Inc. Defined Pension Plan and Trust Chtd.
04/23/2021	DDEF	Default - Defendant Athena Medical Group, Inc. Defined Contribution Plan Number Two
04/23/2021	DDEF	Default - Defendant Athena Medical Group Defined Contribution Pension Plan and Trust Number Three
04/23/2021	DDEF	Default - Defendant Igrid Van Vuerings as Trustee for Athena Medical Group, Inc. Defined Benefit Pension Plan and Trust Chtd.
05/07/2021	DDEF	Default - Defendant Athena Medical Group Inc., a Nevada Corporation aka Athena Medical Group Corp., a Nevada non-filing entity
05/11/2021	DDEF	Default - Defendant Juliana Mayer Loza as Special Administrator and Personal Representative of Ray Exley Estate
05/24/2021	DAPP	Application For - Judgment by Default
05/25/2021	DJJJ	Judgment - by Default
06/07/2021	DNEO	Notice of Entry of Order
06/08/2021	DAPP	Application For - Judgment by Default - Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust
06/08/2021	DJJJ	Judgment - by Default - Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust
06/09/2021	DNEO	Notice of Entry of Order
07/15/2021	MMOT	Motion - Athena Medical Group, Inc.'s Motion to Set Aside Default and Vacate Default Judgment
07/15/2021	DDCL	Disclosure - Athena Medical Group, Inc.'s Initial Appearance Disclosure
07/30/2021	DORD	Order
07/30/2021	DOPT	Opposition to - Athena Medical Group, Inc.'s Motion to Set Aside Default and Vacate Default Judgment
08/06/2021	DREP	Reply to - Athena Medical Group, Inc.'s Reply in Support of its Motion to Set Aside Default and Vacate Default Judgment

<u>Date</u>	<u>Code</u>	<u>Description</u>
08/17/2021	DNEO	Notice of Entry of Order
08/23/2021	DOSH	Order Setting Hearing
10/07/2021	DMOF	Motion for - Continuance of Hearing
10/08/2021	DORD	Order - [Proposed] Order Granting Continuance of Hearing
10/19/2021	DOSH	Order Setting Hearing
12/02/2021	DORD	Order
12/20/2021	DNEO	Notice of Entry of Order
01/18/2022	DNOA	Notice of Appeal - of Order Denying the Motion to Set Aside Default and Vacate Default Judgment

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DEC - 1 2021

Douglas County
District Court Clerk

2021 DEC -2 AM 9:19

BOBIE R. WILLIAMS
CLERK

BY  DEPUTY

Case No.: 2021-CV-00057

Dept No.: 1

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

LEVERTY & ASSOCIATES LAW, CHTD.

Plaintiff

vs.

Athena Medical Group Defined Contribution Pension Plan and Trust Number Three; Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust; Athena Medical Group Inc., a Nevada corporation; Athena Medical Group Corp., a Nevada non filing entity; Athena Medical Group, Inc. Defined Benefit Pension Plan and Trust Chtd.; The Estate of Ray W. Exley; Ingrid van Vuerings individually and as a corporate officer of Athena Medical Group and as Trustee of the Athena Medical Group Inc. Defined Pension Plan and Trust Number Three; Ingrid van Vuerings as Trustee for Athena Medical Group Inc. Defined Benefit Pension Plan and Trust, Chtd.; Juliana Mayer Loza as a corporate officer of Athena Medical Group, Inc., and as Trustee of the Athena Medical Group Defined Pension Plan and Trust Number Three; Juliana Mayer Loza as Special Administrator and Personal Representative of Ray Exley Estate; Ray W. Exley M.D. Nevada Family Trust; Juliana Mayer Loza; Athena Medical Group, Inc. Defined Contribution Plan Number Two; Juliana Mayer Loza as Trustee of Athena Medical Group, Inc. Defined Contribution Plan Number Two; Does I through XXX; ABC Corporations A-M; and N-Z Limited Liability Partnerships,

Defendants

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of

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1 except for Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust. on May 25, 2021.
2 On June 8, 2021, Leverty & Associates applied to this Court for a judgment by default pursuant
3 to NRC 55(b) against Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust. The
4 Court granted the application and a Default Judgment against Defendant Athena Medical Group,
5 Inc. E.R.I.S.A. Retirement Trust on June 8, 2021.

6 On July 15, 2021, Athena filed its application to set aside the default judgment against all
7 defendants. This motion was based on the following bases. First, that service on the Athena
8 Defendants was not properly effectuated. Second, that the default was applied for and granted
9 after Leverty & Associates knew that the Athena Defendants were represented by counsel, and
10 that Athena's counsel did not receive the application for default.

11 Leverty & Associates opposed Athena's motion to set aside the defaults and vacate the
12 default judgments on July 30, 2021.

13 On August 23, 2021, this matter was set for hearing to occur on October 11, 2021. Due to
14 a medical issue with one of the parties, the October 11, 2021 hearing was vacated on October 8,
15 2021, and the matter was set to be heard on November 17, 2021.

16 The hearing on Athena's Motion to Set Aside Default and Vacate Default Judgment was
17 called to order at approximately 9:00 on November 17, 2021. Athena called its president, Juliana
18 Loza, as a witness to testify on its behalf, and to testify about how she did not receive proper
19 service. Ms. Loza was cross examined by Leverty & Associates, and Athena followed up with
20 questions on its behalf. Leverty & Associates then called the process server, Christopher
21 Demirdjian to testify on its behalf about the service. The attorneys argued their motions. After a
22 short recess, the Court returned and orally announced that it was denying Athena's motion, and
23 provided its reasoning for its decision.

24 Analysis

25 Athena has moved to have this Court set aside the defaults and vacate the default
27 judgments against them under Nevada Rule of Civil Procedure 55(c), which provides:

1 (c) Setting Aside a Default or a Default Judgment. The court may set aside
2 an entry of default for good cause, and it may set aside a final default
3 judgment under Rule 60(b).

4 To set aside a default or default judgment under Rule 60, the moving party bears the
5 burden of showing that it met at least one of the five categories enumerated therein. These are:
6 (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that,
7 with reasonable diligence, could not have been discovered in time to move for a new trial under
8 Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
9 misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied,
10 released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or
11 applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

12 To determine if the defendants' excusable neglect justifies setting aside the default
13 judgment, the Nevada Supreme Court has set out four factors that need to be analyzed. These
14 factors are: (1) a prompt application to remove the judgment; (2) the absence of an intent to
15 delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good faith.
16 *Yochim v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), overruled in part on other
17 grounds by *Epstein v. Epstein*, 113 Nev. 1401, 950 P.2d 771 (1997).

18 Thus, to grant the relief requested, the Court must find not only that there was excusable
19 neglect, but also find the actions of the defendants in seeking relief are done in good faith.
20 Turning to the application of these factors in this case, the Court finds that there is no good cause
21 to set aside the Defaults or Default Judgments.

22 Athena has argued that it is entitled to relief due to excusable neglect, specifically that
23 Athena did not receive proper notice of service as required by NRCP 4.2.

24 At the hearing, Ms. Loza, testified that she is Athena's president and that Athena is a
25 Nevada entity formed in 2012. Ms. Loza also testified that an address where she lives is 9504
26 Highridge Place, Beverly Hills, CA 90210.

27 Leverty & Associates claims that they served Ms. Loza at 9504 Highridge Place, Beverly
28 Hills, CA 90210 on March 31, 2021. In obtaining the clerk's defaults pursuant to NRCP 55(a),

1 and then the default judgments pursuant to NRCP 55(b), Levery & Associates presented
2 affidavits of service regarding the service of the Summons and Complaint. These affidavits
3 indicate that Ms. Loza was served at 9504 Highridge Place, Beverly Hills, CA 90210. Ms.
4 Loza's declaration attached to Athena's motion clearly states that she can see and communicate
5 with individuals at her front gate via video cameras and an intercom system.

6 The facts of the service are largely unopposed. Ms. Loza claims that she was not handed
7 the documents. The process server, Mr. Demirdjian, who testified via Zoom at the hearing from
8 the Philippines, does not contest this issue. Instead, Mr. Demirdjian testified that he spoke with
9 an individual who identified herself as Ms. Loza over the intercom system, that he identified that
10 he was serving legal documents, and that he left the documents as she directed at the 9504
11 Highridge Place, Beverly Hills, CA 90210 address. Ms. Loza both stated in her declaration and
12 testified at the hearing that she is able to see, hear, and speak to individuals located at her front
13 gate. Mr. Demirdjian further testified that he also mailed the legal documents to 9504 Highridge
14 Place, Beverly Hills, CA 90210. Mr. Demirdjian also testified that the individual who identified
15 herself as Ms. Loza did not inform him that she was not physically present at the 9504 Highridge
16 Place, Beverly Hills, CA 90210 address.

17 As service was being effectuated on a Nevada domiciled corporation in the State of
18 California, NRCP 4.3 governs service. NRCP 1.3(a)(3) states that when an entity or association
19 is served outside the state of Nevada, but within the United States, then service may be made in
20 the same manner as provided in Rule 4.2(c)(1).

21 NRCP 4.2(c)(1) provides for service as follows:

22 (A) An entity or association that is formed under the laws of this state, is
23 registered to do business in this state, or has appointed a registered agent
in this state, may be served by delivering a copy of the summons and
complaint to:

- 24 (i) the registered agent of the entity or association;
25 (ii) any officer or director of a corporation;
26 (iii) any partner of a general partnership;
27 (iv) any general partner of a limited partnership;
28 (v) any member of a member-managed limited liability company;
(vi) any manager of a manager-managed limited liability company;
(vii) any trustee of a business trust;

(viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81;

(ix) any managing or general agent of any entity or association; or
(x) any other agent authorized by appointment or by law to receive service of process.

(B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address.

This Court finds service on Ms. Loza, as the president of Athena, is proper pursuant to NRCP 4.2(c)(1)(A)(ii). By following up with the service by mailing a copy of the summons and complaint to the 9504 Highridge Place, Beverly Hills, CA 90210 address, NRCP 4.2(c)(1)(B) was satisfied.

Thus, the only issue to be addressed as to whether service was properly effectuated is whether or not service is proper when a process server follows the directions of the person being served without physically handing the documents to the person being served, or, as in this instance, never actually seeing the individual.

This Court finds that when the person being served properly identifies themselves and provides specific directions to the process server, and those directions are followed, then service of process is proper. During the hearing, counsel for Athena acknowledged that service does not require physically handing the documents to the person being served, or, indeed, ever seeing the person who is being served at the address. This Court questioned Athena's counsel whether leaving the documents on the doorstep based on directions given through a closed door would be proper service, and Athena's counsel conceded that it would be proper service. Similarly, the Court questioned Athena's counsel whether putting documents to be served through a mail slot based on the directions given through a closed door would be proper service, and Athena's counsel conceded that it would be proper service.

After hearing the evidence, the Court finds that service upon the Defendants Athena through Ms. Loza, as an officer and director of the Athena Defendants, at 9504 Highridge Place, Beverly Hills, CA 90210 is proper. This Court also finds that Ms. Loza spoke with the process server; was informed that she was being served with legal documents; and that at her direction, the process server left the service of process where she directed him to leave them. Thus, this

1 Court finds that service was proper under NRCP 4.3 and NRCP 4.2. However, even with this
2 finding, the Court could set aside the default under NRCP 55 and NRCP 60.

3 As the party moving to set aside the default, Athena bears the burden of showing that it
4 acted in good faith. As addressed above, the Nevada Supreme Court has set forth a four factor
5 test to determine if the defendants' excusable neglect. These factors are: (1) a prompt application
6 to remove the judgment; (2) the absence of an intent to delay the proceedings; (3) a lack of
7 knowledge of procedural requirements; and (4) good faith. *Yochum v. Davis*, 98 Nev. 484, 486,
8 653 P.2d 1215, 1216 (1982).

9 No dispute exists that Athena promptly applied to remove the judgment. The default
10 judgment was filed on May 25, 2021, and Athena moved to set it aside on July 15, 2021. While
11 Athena could have applied to remove the judgment earlier, as it was aware of the existence of the
12 defaults that had been entered by at least May 27, 2021, this Court does not find that this delay
13 alone is sufficient to deny setting aside the defaults and default judgments.

14 Athena, and its president, Ms. Loza, is a sophisticated litigant. This Court is aware of at
15 least two other litigations between these same parties that are pending in this District, in addition
16 to another case in this District where Ms. Loza was at least involved in; at least one case in the
17 United States District Court for the State of Nevada; that Ms. Loza is the special administrator
18 for the Estate of Ray W. Exley; and Ms. Loza's bankruptcy where she names Leverty &
19 Associates as a creditor. Ms. Loza testified that she does have legal training. Notably, Ms. Loza
20 did not testify that she was unaware of the importance of responding to the service of process.
21 Ms. Loza was also represented by the same counsel, Mr. Walker, in at least one of the other
22 ongoing litigations in this Court when she was served with the process in this case. Based on
23 these factors, this Court finds that Ms. Loza had more than sufficient knowledge of procedural
24 requirements, and this factor weighs heavily against setting aside the defaults and default
25 judgments

27 The Court finds that Athena's actions in not responding to the service of process was
28 designed to delay the proceedings in this litigation. There are two types of actions designed to

1 delay judicial proceedings. The first type of intent to delay is a delay in time. The Court finds
2 that the approximately 7 weeks between Athena learning of existence of the defaults and its
3 application to set aside the default was not done with the intent to delay the proceedings. The
4 second kind of delay is where the defendant plays the system to drag out the time and cost of
5 litigation. This Court finds that Athena, acting through Ms. Loza, took purposeful actions to
6 delay these proceedings. These actions by Ms. Loza and Athena clearly fall into this second
7 category of delay. As a result of these purposeful actions by Athena and Ms. Loza, this factor
8 weighs heavily against setting aside the defaults and default judgments

9 The fourth factor is whether the petition to set aside the default was made in good faith.
10 As the moving party, Athena bears the burden of proving that it acted in good faith. This Court is
11 not convinced that Ms. Loza has acted in any good faith in this litigation. This is because the
12 Court finds Ms. Loza's testimony without credibility. Ms. Loza's testimony was evasive,
13 intentionally combative, and provided responses that were deliberately intended to cloud the
14 issues. As but one example, Ms. Loza, who admitted that she had legal training, refused to
15 clearly respond to such basic questions as where she resides, including a statement of the state in
16 which she resides or is domiciled. Ms. Loza would not admit that she resided at 9504 Highridge
17 Place, Beverly Hills, CA 90210 in late March 2021, or in June 2021, despite sworn statements
18 filed with the County Clerk that stated that was her address. Ms. Loza apparently is engaging in a
19 pattern of behavior that is intended to game the system, not just in this litigation, but in all
20 matters. Despite having worked for Athena since 2012, she does not have a drivers license from
21 any state, and instead relies upon an international drivers license. Despite being the President of
22 Athena, she does not have a Social Security Number.

23 Ms. Loza was questioned about her authority to transfer the property out of the Estate of
24 Ray W. Exley. As she admitted under examination, when the letters of administration were
25 issued in November 2020, she agreed to obtain court approval before transferring any assets of
27 the estate. Thereafter, on June 22, 2021, without obtaining approval of this Court, she attempted
28 to transfer the property, first to Athena, and then to herself. She performed these self-serving

1 transfers because she did not believe that the default judgment entered in this case was valid. The
2 Court finds that Ms. Loza's responses were strategically designed to justify her conduct, were
3 not made with any legal basis, and were not made in good faith.


4 As a result, this Court finds Ms. Loza is not a credible or believable witness. This Court
5 further finds that Athena did not act in good faith in its conduct in this litigation.

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Motion to Set
7 Aside Default and Vacate Default Judgment filed by Defendant Athena Medical Group, Inc.. as
8 administrator of Athena Medical Group Defined Contribution Pension Plan and Trust Number
9 Three; Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust; Athena Medical Group, Inc.
10 Defined Benefit Pension Plan and Trust, Chtd; Athena Medical Group, Inc. Defined Benefit
11 Pension Plan Number Two; and Athena Medical Group, Inc. Defined Benefit Pension Plan
12 Number Three is hereby **DENIED**.

13 Dated this 2 day of December  2021

14
15 HONORABLE JUDGE NATHAN T. YOUNG
16 DISTRICT COURT JUDGE
17 NINTH JUDICIAL DISTRICT COURT
18 DEPARTMENT I

19
20 SUBMITTED BY:
21 LEVERTY & ASSOCIATES LAW, CHTD.

22 
23 William R. Ginn, Esq., NV Bar No. 6989
24 832 Willow Street
25 Reno, NV 89502
26 (775)322-6636
27 bill@levertylaw.com
28

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Case No.: 2021-CV-00057

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Dept No.: I

Douglas County
District Court Clerk

DEBBIE R. WILLIAMS
CLERK

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

LEVERTY & ASSOCIATES LAW CHTD.,

Plaintiff,

vs.

ATHENA MEDICAL GROUP DEFINED
CONTRIBUTION PENSION PLAN AND
TRUST NUMBER THREE, et. al.;


Defendants.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that, Plaintiff, by and through its counsel of record, hereby
notices that on December 2, 2021, the Court entered an Order denying the Motion to Set Aside
Default and Vacate Default Judgment. A copy of the order is attached hereto.

DATED this 11th day of December 2021.

LEVERTY & ASSOCIATES LAW CHTD.

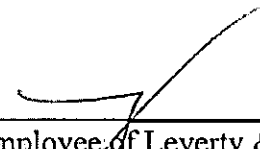

William R. Ginn, Esq., NV Bar No. 6968
832 Willow Street
Reno, NV 89502
(775) 322-6636
Attorney for Plaintiff
Leverty & Associates Law Chtd.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Levery & Associates Law
Chtd. and that on this date the foregoing document, Notice of Entry of Order was made through
U.S. Mail, postage prepaid, to:

Kirk Nevada Walker, Esq.
400 South 4th Street, Suite 500
Las Vegas, NV 89101

Dated this 17 date of December 2021.


An employee of Levery & Associates Law, Chtd

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Case No.: 2021-CV-00057

Dept. No.: I

Douglas County
District Court Clerk

This document does not contain personal information of any person

BY  DEPUTY CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

LEVERTY & ASSOCIATES LAW, CHTD.

Plaintiff

vs.

Athena Medical Group Defined Contribution Pension Plan and Trust Number Three; Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust; Athena Medical Group Inc., a Nevada corporation; Athena Medical Group Corp., a Nevada non filing entity; Athena Medical Group, Inc. Defined Benefit Pension Plan and Trust Chtd.; The Estate of Ray W. Exley; Ingrid van Vuerings individually and as a corporate officer of Athena Medical Group and as Trustee of the Athena Medical Group Inc. Defined Pension Plan and Trust Number Three; Ingrid van Vuerings as Trustee for Athena Medical Group Inc. Defined Benefit Pension Plan and Trust, Chtd.; Juliana Mayer Loza as a corporate officer of Athena Medical Group, Inc., and as Trustee of the Athena Medical Group Defined Pension Plan and Trust Number Three; Juliana Mayer Loza as Special Administrator and Personal Representative of Ray Exley Estate; Ray W. Exley M.D. Nevada Family Trust; Juliana Mayer Loza; Athena Medical Group, Inc. Defined Contribution Plan Number Two; Juliana Mayer Loza as Trustee of Athena Medical Group, Inc. Defined Contribution Plan Number Two; Does I through XXX; ABC Corporations A-M; and N-Z Limited Liability Partnerships,

Defendants

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1 except for Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust, on May 25, 2021.
2 On June 8, 2021, Levery & Associates applied to this Court for a judgment by default pursuant
3 to NRCp 55(b) against Defendant Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust. The
4 Court granted the application and a Default Judgment against Defendant Athena Medical Group,
5 Inc. E.R.I.S.A. Retirement Trust on June 8, 2021.

6 On July 15, 2021, Athena filed its application to set aside the default judgment against all
7 defendants. This motion was based on the following bases. First, that service on the Athena
8 Defendants was not properly effectuated. Second, that the default was applied for and granted
9 after Levery & Associates knew that the Athena Defendants were represented by counsel, and
10 that Athena's counsel did not receive the application for default.

11 Levery & Associates opposed Athena's motion to set aside the defaults and vacate the
12 default judgments on July 30, 2021.

13 On August 23, 2021, this matter was set for hearing to occur on October 11, 2021. Due to
14 a medical issue with one of the parties, the October 11, 2021 hearing was vacated on October 8,
15 2021, and the matter was set to be heard on November 17, 2021.

16 The hearing on Athena's Motion to Set Aside Default and Vacate Default Judgment was
17 called to order at approximately 9:00 on November 17, 2021. Athena called its president, Juliana
18 Loza, as a witness to testify on its behalf, and to testify about how she did not receive proper
19 service. Ms. Loza was cross examined by Levery & Associates, and Athena followed up with
20 questions on its behalf. Levery & Associates then called the process server, Christopher
21 Demirdjian to testify on its behalf about the service. The attorneys argued their motions. After a
22 short recess, the Court returned and orally announced that it was denying Athena's motion, and
23 provided its reasoning for its decision.

24 Analysis

25 Athena has moved to have this Court set aside the defaults and vacate the default
27 judgments against them under Nevada Rule of Civil Procedure 55(c), which provides:

1 (c) Setting Aside a Default or a Default Judgment. The court may set aside
2 an entry of default for good cause, and it may set aside a final default
3 judgment under Rule 60(b).

4 To set aside a default or default judgment under Rule 60, the moving party bears the
5 burden of showing that it met at least one of the five categories enumerated therein. These are:
6 (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that,
7 with reasonable diligence, could not have been discovered in time to move for a new trial under
8 Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
9 misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied,
10 released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or
11 applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

12 To determine if the defendants' excusable neglect justifies setting aside the default
13 judgment, the Nevada Supreme Court has set out four factors that need to be analyzed. These
14 factors are: (1) a prompt application to remove the judgment; (2) the absence of an intent to
15 delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good faith.
16 *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), overruled in part on other
17 grounds by *Epstein v. Epstein*, 113 Nev. 1401, 950 P.2d 771 (1997).

18 Thus, to grant the relief requested, the Court must find not only that there was excusable
19 neglect, but also find the actions of the defendants in seeking relief are done in good faith.
20 Turning to the application of these factors in this case, the Court finds that there is no good cause
21 to set aside the Defaults or Default Judgments.

22 Athena has argued that it is entitled to relief due to excusable neglect, specifically that
23 Athena did not receive proper notice of service as required by NRCP 4.2.

24 At the hearing, Ms. Loza, testified that she is Athena's president and that Athena is a
25 Nevada entity formed in 2012. Ms. Loza also testified that an address where she lives is 9504
26 Highridge Place, Beverly Hills, CA 90210.

27 Leverty & Associates claims that they served Ms. Loza at 9504 Highridge Place, Beverly
28 Hills, CA 90210 on March 31, 2021. In obtaining the clerk's defaults pursuant to NRCP 55(a),

1 and then the default judgments pursuant to NRCP 55(b). Levery & Associates presented
2 affidavits of service regarding the service of the Summons and Complaint. These affidavits
3 indicate that Ms. Loza was served at 9504 Highridge Place, Beverly Hills, CA 90210. Ms.
4 Loza's declaration attached to Athena's motion clearly states that she can see and communicate
5 with individuals at her front gate via video cameras and an intercom system.

6 The facts of the service are largely unopposed. Ms. Loza claims that she was not handed
7 the documents. The process server, Mr. Demirdjian, who testified via Zoom at the hearing from
8 the Philippines, does not contest this issue. Instead, Mr. Demirdjian testified that he spoke with
9 an individual who identified herself as Ms. Loza over the intercom system, that he identified that
10 he was serving legal documents, and that he left the documents as she directed at the 9504
11 Highridge Place, Beverly Hills, CA 90210 address. Ms. Loza both stated in her declaration and
12 testified at the hearing that she is able to see, hear, and speak to individuals located at her front
13 gate. Mr. Demirdjian further testified that he also mailed the legal documents to 9504 Highridge
14 Place, Beverly Hills, CA 90210. Mr. Demirdjian also testified that the individual who identified
15 herself as Ms. Loza did not inform him that she was not physically present at the 9504 Highridge
16 Place, Beverly Hills, CA 90210 address.

17 As service was being effectuated on a Nevada domiciled corporation in the State of
18 California, NRCP 4.3 governs service. NRCP 1.3(a)(3) states that when an entity or association
19 is served outside the state of Nevada, but within the United States, then service may be made in
20 the same manner as provided in Rule 4.2(c)(1).

21 NRCP 4.2(c)(1) provides for service as follows:

22 (A) An entity or association that is formed under the laws of this state, is
23 registered to do business in this state, or has appointed a registered agent
in this state, may be served by delivering a copy of the summons and
complaint to:

- 24 (i) the registered agent of the entity or association;
25 (ii) any officer or director of a corporation;
26 (iii) any partner of a general partnership;
27 (iv) any general partner of a limited partnership;
28 (v) any member of a member-managed limited liability company;
(vi) any manager of a manager-managed limited liability company;
(vii) any trustee of a business trust;

(viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81;

(ix) any managing or general agent of any entity or association; or

(x) any other agent authorized by appointment or by law to receive service of process.

(B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address.

This Court finds service on Ms. Loza, as the president of Athena, is proper pursuant to NRCP 4.2(c)(1)(A)(ii). By following up with the service by mailing a copy of the summons and complaint to the 9504 Highridge Place, Beverly Hills, CA 90210 address, NRCP 4.2(c)(1)(B) was satisfied.

Thus, the only issue to be addressed as to whether service was properly effectuated is whether or not service is proper when a process server follows the directions of the person being served without physically handing the documents to the person being served, or, as in this instance, never actually seeing the individual.

This Court finds that when the person being served properly identifies themselves and provides specific directions to the process server, and those directions are followed, then service of process is proper. During the hearing, counsel for Athena acknowledged that service does not require physically handing the documents to the person being served, or, indeed, ever seeing the person who is being served at the address. This Court questioned Athena's counsel whether leaving the documents on the doorstep based on directions given through a closed door would be proper service, and Athena's counsel conceded that it would be proper service. Similarly, the Court questioned Athena's counsel whether putting documents to be served through a mail slot based on the directions given through a closed door would be proper service, and Athena's counsel conceded that it would be proper service.

After hearing the evidence, the Court finds that service upon the Defendants Athena through Ms. Loza, as an officer and director of the Athena Defendants, at 9504 Highridge Place, Beverly Hills, CA 90210 is proper. This Court also finds that Ms. Loza spoke with the process server; was informed that she was being served with legal documents; and that at her direction, the process server left the service of process where she directed him to leave them. Thus, this

1 Court finds that service was proper under NRCP 4.3 and NRCP 4.2. However, even with this
2 finding, the Court could set aside the default under NRCP 55 and NRCP 60.

3 As the party moving to set aside the default, Athena bears the burden of showing that it
4 acted in good faith. As addressed above, the Nevada Supreme Court has set forth a four factor
5 test to determine if the defendants' excusable neglect. These factors are: (1) a prompt application
6 to remove the judgment; (2) the absence of an intent to delay the proceedings; (3) a lack of
7 knowledge of procedural requirements; and (4) good faith. *Yochum v. Davis*, 98 Nev. 484, 486,
8 653 P.2d 1215, 1216 (1982).

9 No dispute exists that Athena promptly applied to remove the judgment. The default
10 judgment was filed on May 25, 2021, and Athena moved to set it aside on July 15, 2021. While
11 Athena could have applied to remove the judgment earlier, as it was aware of the existence of the
12 defaults that had been entered by at least May 27, 2021, this Court does not find that this delay
13 alone is sufficient to deny setting aside the defaults and default judgments.

14 Athena, and its president, Ms. Loza, is a sophisticated litigant. This Court is aware of at
15 least two other litigations between these same parties that are pending in this District. In addition
16 to another case in this District where Ms. Loza was at least involved in; at least one case in the
17 United States District Court for the State of Nevada; that Ms. Loza is the special administrator
18 for the Estate of Ray W. Exley; and Ms. Loza's bankruptcy where she names Levery &
19 Associates as a creditor. Ms. Loza testified that she does have legal training. Notably, Ms. Loza
20 did not testify that she was unaware of the importance of responding to the service of process.
21 Ms. Loza was also represented by the same counsel, Mr. Walker, in at least one of the other
22 ongoing litigations in this Court when she was served with the process in this case. Based on
23 these factors, this Court finds that Ms. Loza had more than sufficient knowledge of procedural
24 requirements, and this factor weighs heavily against setting aside the defaults and default
25 judgments.

26 The Court finds that Athena's actions in not responding to the service of process was
27 designed to delay the proceedings in this litigation. There are two types of actions designed to
28

1 delay judicial proceedings. The first type of intent to delay is a delay in time. The Court finds
2 that the approximately 7 weeks between Athena learning of existence of the defaults and its
3 application to set aside the default was not done with the intent to delay the proceedings. The
4 second kind of delay is where the defendant plays the system to drag out the time and cost of
5 litigation. This Court finds that Athena, acting through Ms. Loza, took purposeful actions to
6 delay these proceedings. These actions by Ms. Loza and Athena clearly fall into this second
7 category of delay. As a result of these purposeful actions by Athena and Ms. Loza, this factor
8 weighs heavily against setting aside the defaults and default judgments

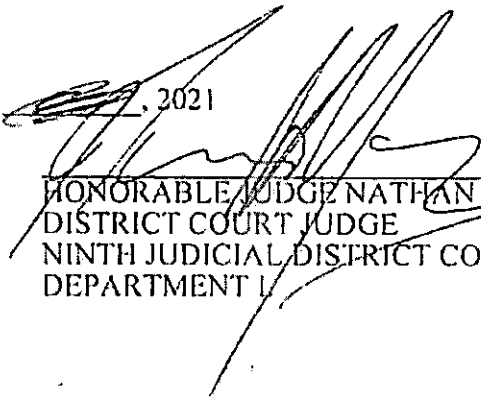
9 The fourth factor is whether the petition to set aside the default was made in good faith.
10 As the moving party, Athena bears the burden of proving that it acted in good faith. This Court is
11 not convinced that Ms. Loza has acted in any good faith in this litigation. This is because the
12 Court finds Ms. Loza's testimony without credibility. Ms. Loza's testimony was evasive,
13 intentionally combative, and provided responses that were deliberately intended to cloud the
14 issues. As but one example, Ms. Loza, who admitted that she had legal training, refused to
15 clearly respond to such basic questions as where she resides, including a statement of the state in
16 which she resides or is domiciled. Ms. Loza would not admit that she resided at 9504 Highridge
17 Place, Beverly Hills, CA 90210 in late March 2021, or in June 2021, despite sworn statements
18 filed with the County Clerk that stated that was her address. Ms. Loza apparently is engaging in a
19 pattern of behavior that is intended to game the system, not just in this litigation, but in all
20 matters. Despite having worked for Athena since 2012, she does not have a drivers license from
21 any state, and instead relies upon an international drivers license. Despite being the President of
22 Athena, she does not have a Social Security Number.

23 Ms. Loza was questioned about her authority to transfer the property out of the Estate of
24 Ray W. Exley. As she admitted under examination, when the letters of administration were
25 issued in November 2020, she agreed to obtain court approval before transferring any assets of
27 the estate. Thereafter, on June 22, 2021, without obtaining approval of this Court, she attempted
28 to transfer the property, first to Athena, and then to herself. She performed these self-serving

1 transfers because she did not believe that the default judgment entered in this case was valid. The
2 Court finds that Ms. Loza's responses were strategically designed to justify her conduct, were
3 not made with any legal basis, and were not made in good faith.


4 As a result, this Court finds Ms. Loza is not a credible or believable witness. This Court
5 further finds that Athena did not act in good faith in its conduct in this litigation.

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Motion to Set
7 Aside Default and Vacate Default Judgment filed by Defendant Athena Medical Group, Inc., as
8 administrator of Athena Medical Group Defined Contribution Pension Plan and Trust Number
9 Three; Athena Medical Group, Inc. E.R.I.S.A. Retirement Trust; Athena Medical Group, Inc.
10 Defined Benefit Pension Plan and Trust, Chtd; Athena Medical Group, Inc. Defined Benefit
11 Pension Plan Number Two; and Athena Medical Group, Inc. Defined Benefit Pension Plan
12 Number Three is hereby **DENIED**.

13 Dated this 2 day of December  2021

14
15 HONORABLE JUDGE NATHAN T. YOUNG
16 DISTRICT COURT JUDGE
17 NINTH JUDICIAL DISTRICT COURT
18 DEPARTMENT I

19
20 SUBMITTED BY:
21 LEVERTY & ASSOCIATES LAW, CHTD.

22 
23 William R. Ginn, Esq., NV Bar No. 6989
24 832 Willow Street
25 Reno, NV 89502
26 (775)322-6636
27 bill@levertylaw.com
28

CASE NO: 2021-CV-00057

DEPT NO. I

Leverly & Associates Law Chtd.

v.

Athena Medical Group Defined Contribution, Et Al.

DATE: 11/17/2021

JUDGE: Nathan Tod Young

CLERK: Marilyn Carney

COURT REPORTER: Not Reported

PLAINTIFFS COUNSEL: William Ginn/Vernon Leverly

DEFENDANTS COUNSEL: Kirk Nevada Walker

LAW CLERK: John Seddon

BAILIFFS: Les Vido

OTHERS PRESENT:

Gene Kaufmann - Counsel for Administrator of Estate

The above-entitled matter was before the Court this being the time set for EVIDENTIARY HEARING ON MOTION TO SET ASIDE DEFAULT AND VACATE DEFAULT JUDGMENT. The plaintiff was present in court and represented by counsel. The defendant was present in court and represented by counsel.

WITNESSES SWORN & TESTIFIED:

Juliana Loza

Christopher Demirdjian

EXHIBITS MARKED:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

EXHIBITS ADMITTED:

3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

EXHIBITS NOT ADMITTED:

1, 2, 5

Mr. Walker presented an opening statement.

Mr. Ginn presented an opening statement.

Mr. Kaufmann orally motioned to join Defendant's Motion to Set Aside Default and Vacate Default Judgment.

Mr. Ginn objected.

The Court denied Mr. Kaufmann's oral motion.

Mr. Walker presented closing argument.

Mr. Ginn presented closing argument.

Mr. Walker was heard on final argument.

The Court denied the Motion to Set Aside Default and Vacate Default Judgment.

Mr. Ginn will prepare the order and provide it to the Court no later than 1 week and 1 day after Thanksgiving.

EXHIBIT LIST

CASE NAME: LEVERTY & ASSOCIATES VS. ATHENA MEDICAL GROUP, ET AL

CASE NUMBER: 2021-CV-00057

DATE OF HEARING: NOVEMBER 17, 2021

JUDGE: NATHAN TOD YOUNG

DEPT NO: I

ATTORNEY: WILLIAM GINN/KURT WALKER

PURPOSE OF HEARING: EVIDENTIARY HEARING ON MOTION TO SET ASIDE
DEFAULT AND VACATE DEFAULT JUDGMENT

EXHIBIT NO.	DESCRIPTION	MARKED FOR ID	ADMITTED	NOT ADMITTED
1	Secretary of State Printout for Athena Medical Group, Inc. (active domestic corporation formed 11/13/2012)	X		X
2	Secretary of State Printout for Athena Medical Group, Inc. (non-filing domestic entity formed 7/29/2019)	X		X
3	Complaint dated 10/24/2021	X	X	
4	Loza Residence Photographs	X	X	
5	Claim of Right to Possession from Los Angeles Superior Court	X		X
6	Motion to Quash Writ of Execution	X	X	
7	Summary of Assets and Liabilities and Certain Statistical Information	X	X	
8	Quitclaim deed dated 1/22/21	X	X	
9	Quitclaim deed dated 3/30/21	X	X	
10	Entity Information	X	X	
11	Duplicate Letters of Administration filed 6/22/21	X	X	
12	Verified Petition to Appoint	X	X	
13	Quitclaim deed dated 6/22/21 requested by Juliana Loza	X	X	
14	Quitclaim deed dated 6/22/21 requested by Gene Kaufmann	X	X	


15	Quitclaim deed dated 12/18/15	X	X	
16	Affidavit of Service Ingrid Van Vuerings	X	X	
17	Affidavit of Service Athena Medical Group, Inc.	X	X	
18	Affidavit of Service Juliana Mayer Loza as Trustee of Athena Medical Group, Inc.	X	X	
19	Affidavit of Service Athena Medical Group, Inc., E.R.I.S.A.	X	X	
20	Affidavit of Service Juliana Mayer Loza as a Corporate Officer of Athena Medical Group, Inc.	X	X	

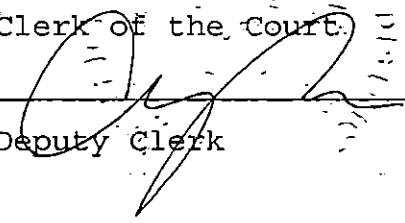
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STATE OF NEVADA)
) ss
COUNTY OF DOUGLAS)

I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial District Court, State of Nevada, in and for the said County of Douglas; said Court being a Court of Record, having common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing are the full, true copies of the NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING THE MOTION TO SET ASIDE DEFAULT AND VACATE DEFAULT JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBIT LISTS in Case No. 2021-CV-00057 LEVERTY & ASSOCIATES LAW, CHTD VS. ATHENA MEDICAL ET AL.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Minden, in said County and State this 15TH day of February, A.D., 2022.



Clerk of the Court


Deputy Clerk



BOBBIE R. WILLIAMS
CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER

District Court Clerk's Office
(775) 782-9820
Tahoe Justice Court
(775) 586-7200
East Fork Justice Court
(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: February 15, 2022

Re: District Court Case #: 2021-CV-00057

District Court Case Name: LEVERTY & ASSOCIATES LAW, CHTD VS. ATHENA ET AL.

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Certificate That No Transcript Is Being Requested
- ☒ Defendant's Request for Transcript of Proceedings
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☐ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☐ Exhibit Lists
- ☒ Supreme Court filing fee (\$250.00), if applicable

Respectfully,
BOBBIE WILLIAMS
CLERK OF THE COURT

By: 
Deputy Court Clerk