

Electronically Filed  
Jul 21 2021 11:56 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
2 MICHAEL F. BOHN, ESQ.  
3 Nevada Bar No.: 1641  
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5 LAW OFFICES OF  
6 MICHAEL F. BOHN, ESQ., LTD.  
7 2260 Corporate Circle, Suite 480  
8 Henderson, Nevada 89074  
9 (702) 642-3113/ (702) 642-9766 FAX  
10 Attorney for defendant Ronald J. Robinson

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 STEVEN A. HOTCHKISS,  
10  
11 Plaintiff,

12 vs.

13 RONALD J. ROBINSON; VERNON RODRIGUEZ;  
14 VIRTUAL COMMUNICATIONS CORPORATION;  
15 WINTECH, LLC; RETIRE HAPPY, LLC; JOSH  
16 STOLL; FRANK YODER; ALISA DAVIS; and  
17 DOES 1-10; and ROES 1-10, inclusively,  
18  
19 Defendants.

CASE NO.: A-17-762264-C  
DEPT NO.: XXIII

16 ANTHONY WHITE; ROBIN SUNTHEIMER; TROY  
17 SUNTHEIMER; STEPHENS GHESQUIERE;  
18 JACKIE STONE; GAYLE CHANY; KENDALL  
19 SMITH; GABRIELE LAVERNICOCCA; and  
20 ROBERT KAISER,

21  
22 Plaintiffs,

23 vs.

24 RONALD J. ROBINSON; VERNON RODRIGUEZ;  
25 VIRTUAL COMMUNICATIONS CORPORATION;  
26 WINTECH, LLC; RETIRE HAPPY, LLC; JOSH  
27 STOLL; FRANK YODER; ALISA DAVIS; and  
28 DOES 1-10; and ROES 1-10, inclusively,

Defendants.

CONSOLIDATED WITH  
CASE NO.: A-17-763003-C

**NOTICE OF APPEAL**

25 NOTICE IS HEREBY GIVEN that defendant, Ronald J. Robinson, hereby appeals to the Supreme  
26 Court of Nevada from the findings of fact, conclusions of law and order on motion for damages and  
27 attorney's fees, filed on August 20, 2020, the judgment, filed on August 20, 2020, and the duplicate

1 judgment, filed on August 21, 2020.

2 DATED this 13th day of July, 2021.

3 By: /s/ /Michael F. Bohn, Esq./

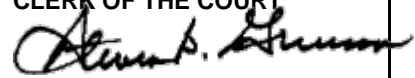
4 MICHAEL F. BOHN, ESQ.  
5 2260 Corporate Circle, Suite 480  
6 Henderson, NV 89074  
Attorney for defendant Ronald J. Robinson

7 **CERTIFICATE OF SERVICE**

8 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of LAW  
9 OFFICES OF MICHAEL F. BOHN., ESQ., and on the 13th day of July, 2021, an electronic copy of the  
10 **NOTICE OF APPEAL** was served on opposing counsel via the Court's electronic service system to the  
11 following counsel of record:

12 David Liebrader, Esq.  
13 The Law Offices of David Liebrader, APC  
14 3960 Howard Hughes Parkway, Ste. 500  
Las Vegas, NV 89169  
Attorney for plaintiffs

16 /s/ /Maurice Mazza /  
17 An employee of Law Offices of  
18 Michael F. Bohn, Esq., Ltd.



ASTA  
MICHAEL F. BOHN, ESQ.  
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Henderson, Nevada 89074  
(702) 642-3113/ (702) 642-9766 FAX  
Attorney for defendant Ronald J. Robinson

DISTRICT COURT  
CLARK COUNTY, NEVADA

STEVEN A. HOTCHKISS,

Plaintiff,

vs.

RONALD J. ROBINSON; VERNON RODRIGUEZ;  
VIRTUAL COMMUNICATIONS CORPORATION;  
WINTech, LLC; RETIRE HAPPY, LLC; JOSH  
STOLL; FRANK YODER; ALISA DAVIS; and  
DOES 1-10; and ROES 1-10, inclusively,

Defendants.

CASE NO.: A-17-762264-C  
DEPT NO.: XXIII

ANTHONY WHITE; ROBIN SUNTHEIMER; TROY  
SUNTHEIMER; STEPHENS GHESQUIERE;  
JACKIE STONE; GAYLE CHANY; KENDALL  
SMITH; GABRIELE LAVERNICOCCA; and  
ROBERT KAISER,

Plaintiffs,

vs.

RONALD J. ROBINSON; VERNON RODRIGUEZ;  
VIRTUAL COMMUNICATIONS CORPORATION;  
WINTech, LLC; RETIRE HAPPY, LLC; JOSH  
STOLL; FRANK YODER; ALISA DAVIS; and  
DOES 1-10; and ROES 1-10, inclusively,

Defendants.

CONSOLIDATED WITH  
CASE NO.: A-17-763003-C

**CASE APPEAL STATEMENT**

1. The appellant filing this case appeal statement is Ronald J. Robinson.
2. The judge issuing the judgment appealed from is the honorable Cristina Silva.

1           3. The parties to the proceedings in District Court are Steven A. Hotchkiss, Anthony White,  
2 Robin Suntheimer, Troy Suntheimer, Stephens Ghesquiere, Jackie Stone, Gayle Chany, Kendall Smith,  
3 Gabrielle Lavernicocca, and Robert Kaiser, plaintiffs; Ronald J. Robinson, Vernon Rodriguez, Virtual  
4 Communications Corporation, Wintech, LLC, Retire Happy, LLC, Josh Stoll, Frank Yoder, and Alisa  
5 Davis, defendants.

6           4. The parties to this appeal are the appellant Ronald J. Robinson, and respondents Steven A.  
7 Hotchkiss, Anthony White, Robin Suntheimer, Troy Suntheimer, Stephens Ghesquiere, Jackie Stone,  
8 Gayle Chany, Kendall Smith, Gabrielle Lavernicocca, and Robert Kaiser.

9           5. Counsel for appellant Ronald J. Robinson is Michael F. Bohn, Esq.; 2260 Corporate Circle,  
10 Suite 480, Henderson, NV 89074; (702) 642-3113. Counsel for respondents is David Liebrader, Esq.,  
11 The Law Offices of David Liebrader, APC, 3960 Howard Hughes Parkway, Ste. 500, Las Vegas, NV  
12 89169, (702) 380-3131.

13           6. The attorneys for both the defendant/appellant and plaintiff/respondent are licensed in the state  
14 of Nevada.

15           7. The appellant was represented by retained counsel in the District Court;

16           8. The appellant is represented by retained counsel on appeal;

17           9. There were no orders granting leave to proceed in forma pauperis;

18           10. The complaint in Case No. A-17-762264-C was filed in District Court on September 28,  
19 2017. The complaint in Case No. A-17-763003-C was filed in District Court on October 12, 2017.

20           11. The complaint in Case No. A-17-762264-C and the first amended complaint in Case No. A-  
21 17-763003-C alleged claims for relief based on fraud, misrepresentation and omissions, violation of the  
22 Nevada Uniform Securities Act, and breach of written contract. The district court found in favor of the  
23 plaintiffs.

24           12. The case has previously been the subject of appeal SC# 81838.

25           13. The case does not involve child custody or visitation; and,

26           14. This case is one that is not likely to be settled.

27 ///

28

1 DATED this 13th day of July 2021.

2 LAW OFFICES OF  
3 MICHAEL F. BOHN, ESQ., LTD.

4  
5 By: /s/ /Michael F. Bohn, Esq./  
6 MICHAEL F. BOHN, ESQ.  
7 2260 Corporate Circle, Suite 480  
Henderson, NV 89074  
Attorney for defendant Ronald J. Robinson

8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of Law  
10 Offices of Michael F. Bohn., Esq., and on the 13th day of June, 2021, an electronic copy of the **CASE**  
11 **APPEAL STATEMENT** was served on opposing counsel via the Court's electronic service system to  
12 the following counsel of record:

13 David Liebrader, Esq.  
14 The Law Offices of David Liebrader, APC  
15 3960 Howard Hughes Parkway, Ste. 500  
Las Vegas, NV 89169  
Attorney for plaintiffs

16  
17  
18 /s/ /Maurice Mazza /  
19 An employee of Law Offices of  
20 Michael F. Bohn, Esq., Ltd.

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-17-762264-C**

**Steven Hotchkiss, Plaintiff(s)**  
**vs.**  
**Ronald Robinson, Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 23**  
 Judicial Officer: **Lilly-Spells, Jasmin**  
 Filed on: **09/28/2017**  
 Case Number History:  
 Cross-Reference Case **A762264**  
 Number:  
 Supreme Court No.: **81838**

**CASE INFORMATION****Related Cases**

A-17-763003-C (Consolidated)

Case Type: **Commercial Instrument****Statistical Closures**

08/21/2020 Judgment Reached (bench trial)

Case Status: **08/21/2020 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-17-762264-C  
 Court Department 23  
 Date Assigned 01/04/2021  
 Judicial Officer Lilly-Spells, Jasmin

**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Hotchkiss, Steven A</b>	<b>Liebrader, David</b> <i>Retained</i> 7023803131(W)
<b>Defendant</b>	<b>Davis, Alisa</b>	<b>Gewerter, Harold P.</b> <i>Retained</i> 702-476-5101(W)
	<b>Retire Happy LLC</b> Removed: 05/20/2019 Dismissed	<b>Palazzo, T. Louis</b> <i>Retained</i> 702-384-5563(W)
	<b>Robinson, Ronald J</b>	<b>Gewerter, Harold P.</b> <i>Retained</i> 702-476-5101(W)
	<b>Rodriquez, Vernon</b>	<b>Fleming, Scott D</b> <i>Retained</i> 702222500(W)
	<b>Stoll, Josh</b> Removed: 05/20/2019 Dismissed	<b>Palazzo, T. Louis</b> <i>Retained</i> 702-384-5563(W)
	<b>Virtual Communications Corporation</b>	<b>Gewerter, Harold P.</b> <i>Retained</i> 702-476-5101(W)
	<b>Wintech LLC</b>	<b>Gewerter, Harold P.</b> <i>Retained</i> 702-476-5101(W)
	<b>Yoder, Frank</b>	
<b>Cross Claimant</b>	<b>Retire Happy LLC</b>	<b>Palazzo, T. Louis</b> <i>Retained</i>

**CASE SUMMARY****CASE NO. A-17-762264-C**

702-384-5563(W)

**Stoll, Josh****Palazzo, T. Louis***Retained*













702-384-5563(W)

**Cross Defendant Robinson, Ronald J****Gewerter, Harold P.***Retained*

702-476-5101(W)

**Virtual Communications Corporation****Gewerter, Harold P.***Retained*

702-476-5101(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
09/28/2017	 Complaint Filed By: Plaintiff Hotchkiss, Steven A <i>[1] Complaint for Damages</i>	
09/28/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Hotchkiss, Steven A <i>[2] Initial Appearance Fee Disclosure</i>	
10/25/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Rodriguez, Vernon <i>[3] Initial Appearance Fee Disclosure</i>	
10/25/2017	 Answer to Complaint Filed by: Defendant Rodriguez, Vernon <i>[4] Defendant Vernon Rodriguez's Answer to Plaintiff's Complaint</i>	
10/25/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Rodriguez, Vernon <i>[5] Initial Appearance Fee Disclosure</i>	
11/03/2017	 Certificate of Service <i>[6] Certificate of Service</i>	
11/03/2017	 Motion to Withdraw As Counsel <i>[7] Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time</i>	
11/04/2017	 Amended Certificate of Service <i>[8] Amended Certificate of Service</i>	
11/15/2017	 Order to Withdraw as Attorney of Record <i>[9] Order Granting Motion to Withdraw as Counsel of Record</i>	
11/15/2017	 Change of Address <i>[10] Change of Address for Vernon Rodriguez</i>	
11/16/2017	 Notice of Entry of Order <i>[11] Notice of Entry of Order</i>	
11/17/2017	 Certificate of Service	

# CASE SUMMARY

CASE NO. A-17-762264-C

[12] Certificate of Service

11/30/2017



Ex Parte Motion

Filed By: Plaintiff Hotchkiss, Steven A

[13] Ex Parte Motion to Allow Service by Publication of Summons and Complaint on Defendants

11/30/2017



Declaration

Filed By: Plaintiff Hotchkiss, Steven A

[14] Declaration of David Liebrader

12/15/2017



Order

Filed By: Plaintiff Hotchkiss, Steven A

[15] Order on Motion for Leave to File Summons and Complaint by Publication

12/18/2017



Notice of Entry of Order

Filed By: Plaintiff Hotchkiss, Steven A

[16] Notice of Entry of Order

01/04/2018



Commissioners Decision on Request for Exemption - Granted

[17] Commissioner's Decision on Request for Exemption - Granted

01/07/2018



List of Witnesses

Filed By: Plaintiff Hotchkiss, Steven A

[18] Plaintiff's Intial List of Witnesses

01/16/2018



Affidavit of Publication of Summons

Filed By: Plaintiff Hotchkiss, Steven A; Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh; Defendant Yoder, Frank; Defendant Davis, Alisa

[19] Affidavit of Publicaton of Summons

01/22/2018



Ex Parte Motion

Filed By: Plaintiff Hotchkiss, Steven A

[20] Ex Parte Motion for Leave to Serve Summons and Complaint by Publication and for an Enlargement of Time

01/22/2018



Declaration

Filed By: Plaintiff Hotchkiss, Steven A

[21] Declaration of David Liebrader in Support of Ex Parte Motion for Leave to Serve Summons and Complaint by Publication and for an Enlargement of Time

01/24/2018



Arbitration File

[22] Arbitration File

02/05/2018



Answer to Complaint

Filed by: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Defendant Davis, Alisa

[23] Defendants Ronald J Robinson, Alisa Davis, Virtual Communication Corporation and Wintech LLC's Answer to Complaint and Affirmative Defenses

02/05/2018



Initial Appearance Fee Disclosure

Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation; Defendant Wintech LLC; Defendant Davis, Alisa



# CASE SUMMARY

CASE NO. A-17-762264-C

[24] Initial Appearance Fee Disclosure

02/05/2018



Answer and Crossclaim

Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh

[25] Answer, Affirmative Defenses, And Cross Claim

02/05/2018



Initial Appearance Fee Disclosure

Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh

[26] Initial Appearance Fee Disclosure

02/12/2018



Joint Case Conference Report

Filed By: Plaintiff Hotchkiss, Steven A

[27] Joint Case Conference Report

03/29/2018



Notice to Appear for Discovery Conference

[28] Notice to Appear for Discovery Conference

04/05/2018



Notice of Intent to Take Default

Party: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh

[29] Three Day Notice Of Intent To Enter Default

04/10/2018



Initial Appearance Fee Disclosure

Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation

[30] Initial Appearance Fee Disclosure

04/10/2018



Initial Appearance Fee Disclosure

Filed By: Cross Defendant Robinson, Ronald J; Cross Defendant Virtual Communications Corporation

[31] (Duplicate Same Date) Initial Appearance Fee Disclosure

04/11/2018



Demand for Prior Discovery

Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh

[32] Demand For Prior Pleadings and Discovery

04/17/2018



Answer to Crossclaim

Filed By: Cross Defendant Robinson, Ronald J

[33] Defendants Ronald J Robinson's and Virtual Communication Corporations Answer to Retire Happy LLC and Josh Stolls Crossclaim

04/30/2018



Joint Case Conference Report

Filed By: Plaintiff Hotchkiss, Steven A

[34] Joint Case Conference Report (Supplemental)

05/25/2018



Scheduling Order

[35] Scheduling Order

06/01/2018



Order Setting Civil Jury Trial

[36] Order Setting Civil Jury Trial

06/04/2018
















Suggestion of Bankruptcy

Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Cross Defendant Virtual Communications Corporation; Defendant Davis, Alisa

[37] Suggestion of Bankruptcy

# CASE SUMMARY

CASE NO. A-17-762264-C

09/21/2018	 Notice of Deposition Filed By: Plaintiff Hotchkiss, Steven A <i>[38] Notice of Deposition</i>
09/21/2018	 Notice of Deposition <i>[39] Notice of Deposition</i>
10/20/2018	 Notice of Deposition Filed By: Plaintiff Hotchkiss, Steven A <i>[40] Notice of Deposition of Ronald Robinson</i>
11/01/2018	 Motion Filed By: Plaintiff Hotchkiss, Steven A <i>[41] Motion for Summary Adjudication of Issues</i>
11/01/2018	 Declaration Filed By: Plaintiff Hotchkiss, Steven A <i>[42] Declaration of David Liebrader</i>
11/01/2018	 Errata Filed By: Plaintiff Hotchkiss, Steven A <i>[43] Notice of Errata</i>
11/16/2018	 Opposition to Motion For Summary Judgment Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Wintech LLC; Defendant Davis, Alisa <i>[44] Defendants Ronald J. Robinson, Vern Rodriguez, Wintech, LLC and Alisa Davis' Opposition to Motion for Summary Adjudication of Issues</i>
11/19/2018	 Opposition to Motion For Summary Judgment Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>[45] Defendants Retire Happy, LLC and Josh Stoll's Opposition to Plaintiff's Motion For Summary Adjudication</i>
11/27/2018	 Reply to Opposition Filed by: Plaintiff Hotchkiss, Steven A <i>[46] Reply to Oppositions</i>
11/27/2018	 Declaration Filed By: Plaintiff Hotchkiss, Steven A <i>[47] Supplemental Declaration</i>
12/07/2018	 Stipulation Filed by: Plaintiff Hotchkiss, Steven A <i>[48] Stipulation</i>
12/21/2018	 Supplement to Early Case Conference List Filed By: Plaintiff Hotchkiss, Steven A <i>[49] Plaintiff's Supplemental List of Documents</i>
02/07/2019	 Notice Filed By: Plaintiff Hotchkiss, Steven A <i>[50] Notice of Delegation of Rights</i>

# CASE SUMMARY

CASE NO. A-17-762264-C

02/11/2019	 List of Witnesses Filed By: Plaintiff Hotchkiss, Steven A <i>[51] Supplemental List of Witnesses and Documents</i>
02/25/2019	 Order <i>[52] Order Denying Plaintiff's Motion for Summary Adjudication of Issues</i>
03/16/2019	 Pre-Trial Disclosure Party: Plaintiff Hotchkiss, Steven A <i>[53] Rule 16.1(a)(3) Disclosures</i>
03/20/2019	 Motion to Dismiss Filed By: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Davis, Alisa <i>[54] Partial Motion to Dismiss</i>
03/26/2019	 Clerk's Notice of Hearing <i>[55] Notice of Hearing</i>
04/01/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Hotchkiss, Steven A <i>[56] Opposition to Motion to Dismiss</i>
04/01/2019	 Declaration Filed By: Plaintiff Hotchkiss, Steven A <i>[57] Declaration of David Liebrader in Support of Opposition to Motion to Dismiss</i>
04/01/2019	 Pre-trial Memorandum Filed by: Plaintiff Hotchkiss, Steven A <i>[58] Pre Trial Memorandum</i>
04/03/2019	 Notice of Rescheduling of Hearing <i>[59] Notice of Rescheduling Hearing</i>
04/03/2019	 Notice of Rescheduling of Hearing <i>[60] Notice of Rescheduling Hearing</i>
04/03/2019	 Motion Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>[61] Motion For Determination of Good Faith Settlement on Order Shortening Time</i>
04/04/2019	 Notice of Entry of Order Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>[62] Notice of Entry of Order</i>
04/08/2019	 Statement Filed by: Plaintiff Hotchkiss, Steven A <i>[63] Statement of Damages</i>
04/10/2019	 Order Setting Settlement Conference <i>[64] Order Setting Settlement Conference</i>

# CASE SUMMARY

CASE NO. A-17-762264-C

04/17/2019	 Reply Filed by: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Davis, Alisa <i>[65] Reply to Opposition to Partial Motion to Dismiss</i>
04/29/2019	Case Reassigned to Department 9 <i>Judicial Reassignment to Department 9 - Judge Cristina Silva</i>
05/20/2019	 Order Granting Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>[66] Order Granting Defendants Retire Happy, LLC., and Josh Stoll's Unopposed Good Faith Settlement Pursuant to NRS 17.245 and Dismissing all Claims Against Said Defendants with Prejudice</i>
05/20/2019	 Notice of Entry of Order for Dismissal With Prejudice Filed By: Cross Claimant Retire Happy LLC; Cross Claimant Stoll, Josh <i>[67] Notice of Entry of Order</i>
07/01/2019	 Stipulation and Order <i>[68] Stipulation and Order Consolidating Cases</i>
07/31/2019	 Order Setting Settlement Conference <i>[69] Amended Order Setting Settlement Conference</i>
09/30/2019	 Amended Order Setting Civil Non-Jury Trial <i>[70] Amended Order Setting Civil Non-Jury Trial</i>
01/15/2020	 Plaintiffs List of Documents and Witnesses Filed by: Plaintiff Hotchkiss, Steven A <i>[71] List of Witnesses and Documents for Trial</i>
01/21/2020	 Joint Pre-Trial Memorandum Filed By: Plaintiff Hotchkiss, Steven A <i>[72] Pre Trial Memorandum</i>
01/27/2020	 Pre Trial Information Filed by: Plaintiff Hotchkiss, Steven A <i>[73] List of Witnesses, Depositions and AV Equipment Needed for Trial</i>
01/27/2020	 Pre Trial Information Filed by: Cross Defendant Robinson, Ronald J; Defendant Rodriquez, Vernon; Defendant Davis, Alisa <i>[74] Defendants' Pretrial Memorandum</i>
01/27/2020	 Trial Brief Filed By: Plaintiff Hotchkiss, Steven A <i>[75] Trial Brief</i>
02/03/2020	 Statement Filed by: Plaintiff Hotchkiss, Steven A <i>[76] Statement of Damages</i>
02/03/2020	 Stipulation Filed by: Plaintiff Hotchkiss, Steven A

# CASE SUMMARY

CASE NO. A-17-762264-C

[77] Trial Stipulation

02/06/2020



Notice

Filed By: Plaintiff Hotchkiss, Steven A

[78] Notice of Delegation of Rights

02/10/2020



Opposition

Filed By: Plaintiff Hotchkiss, Steven A

[79] Opposition to Defendants' Pre Trial Memo

02/10/2020



Opposition

Filed By: Plaintiff Hotchkiss, Steven A

[80] Opposition to Defendants Pre Trial Brief

02/22/2020



Statement

Filed by: Plaintiff Hotchkiss, Steven A

[81] Statement of Damages (NRS 90.660)

03/23/2020



Memorandum

Filed By: Cross Defendant Robinson, Ronald J

[82] DEFENDANTS POST-TRIAL MEMORANDUM

03/23/2020



Trial Brief

Filed By: Plaintiff Hotchkiss, Steven A

[83] Trial Brief (Closing Argument)

04/27/2020



Decision and Order

[84] Decision and Order

05/08/2020



Findings of Fact, Conclusions of Law and Order

[85] Findings of Fact, Conclusions of Law, and Order on Defendants Liability

05/11/2020



Motion for Attorney Fees

Filed By: Plaintiff Hotchkiss, Steven A

[86] Motion for Damages and Attorney's Fees

05/11/2020



Declaration

Filed By: Plaintiff Hotchkiss, Steven A

[87] Declaration of David Liebrader

05/12/2020



Clerk's Notice of Nonconforming Document

[88] Clerk's Notice of Nonconforming Document

05/13/2020



Clerk's Notice of Nonconforming Document and Curative Action

[89] Clerk's Notice of Curative Action

05/14/2020



Clerk's Notice of Hearing

[90] Notice of Hearing

05/21/2020



Substitution of Attorney

Filed by: Defendant Rodriquez, Vernon

[91] Substitution of Counsel for Defendant Vernon Rodriguez










# CASE SUMMARY

CASE NO. A-17-762264-C

05/21/2020	 Opposition to Motion Filed By: Defendant Rodriquez, Vernon <i>[92] Opposition by Defendant Vernon Rodriguez to Plaintiff's Motion for Damages and Attorneys' Fees</i>
05/27/2020	 Opposition Filed By: Cross Defendant Robinson, Ronald J <i>[93] Defendants' Opposition to Plaintiff's Motion for Damages and Attorney's Fees and Partial Joinder to Defendant Vernon Rodriguez's Opposition to Plaintiff's Motion for Attorney's Fees</i>
05/28/2020	 Reply to Opposition Filed by: Plaintiff Hotchkiss, Steven A <i>[94] Reply to Defendant Vernon Rodriguez' Opposition to Motion for Attorney's Fees and Damages</i>
05/29/2020	 Errata Filed By: Cross Defendant Robinson, Ronald J <i>[95] Errata to Defendants' Opposition to Plaintiff's Motion for Damages and Attorney's Fees and Partial Joinder to Defendant Vernon Rodriguez's Opposition to Plaintiff's Motion for Attorney's Fees</i>
06/01/2020	 Reply to Opposition Filed by: Plaintiff Hotchkiss, Steven A <i>[96] Reply to Defendant Ron Robinson's Opposition to Motion for Attorney's Fees and Damanges</i>
06/22/2020	 Motion to Reconsider Filed By: Defendant Rodriquez, Vernon <i>[97] Motion by Defendant Vernon Rodriguez for Reconsideration of June 8, 2020 Minute Order Regarding Plaintiffs' Motion for Damages and Attorneys' Fees</i>
06/23/2020	 Clerk's Notice of Hearing <i>[98] Notice of Hearing</i>
06/30/2020	 Opposition to Motion Filed By: Plaintiff Hotchkiss, Steven A <i>[99] Opposition to Motion to Reconsider</i>
08/20/2020	 Findings of Fact, Conclusions of Law and Order <i>[100] Findings of Fact, Conclusions of Law, and Order on Motion for Damages and Attorney's Fees</i>
08/20/2020	 Judgment Filed By: Plaintiff Hotchkiss, Steven A <i>[101] Judgment</i>
08/21/2020	 Judgment Filed By: Plaintiff Hotchkiss, Steven A <i>[102] (Duplicate see 8/20/2020) Judgment</i>
08/21/2020	 Notice of Entry of Judgment Filed By: Plaintiff Hotchkiss, Steven A <i>[103] Notice of Entry of Judgment</i>

# CASE SUMMARY

CASE NO. A-17-762264-C

08/21/2020	 Notice of Entry of Order Filed By: Plaintiff Hotchkiss, Steven A <i>[104] Notice of Entry of Order</i>
09/16/2020	 Motion to Amend Judgment Filed By: Defendant Rodriquez, Vernon <i>[105] First Post-Judgment Motion by Defendant Vernon Rodriguez for Additional Findings of Fact and Conclusions of Law and to Amend Judgment Pursuant to Nev. R. Civ. P. 52(b), Or In the Alternative, for Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(b)</i>
09/16/2020	 Motion for New Trial Filed By: Defendant Rodriquez, Vernon <i>[106] Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(a)</i>
09/16/2020	 Motion for Stay of Execution <i>[107] Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal</i>
09/16/2020	 Declaration <i>[108] Omnibus Declaration of Vernon Rodriguez in Support of Post-Judgment Motions</i>
09/16/2020	 Request for Judicial Notice Filed By: Defendant Rodriquez, Vernon <i>[109] Request by Defendant Vernon Rodriguez for Judicial Notice In Support of Post-Judgment Motions</i>
09/17/2020	 Clerk's Notice of Hearing <i>[110] Notice of Hearing</i>
09/17/2020	 Clerk's Notice of Hearing <i>[111] Notice of Hearing</i>
09/21/2020	 Notice of Appeal Filed By: Cross Defendant Robinson, Ronald J <i>[112] Notice of Appeal</i>
09/30/2020	 Opposition to Motion Filed By: Plaintiff Hotchkiss, Steven A <i>[113] Opposition to First Post Judgment Motion</i>
09/30/2020	 Opposition to Motion Filed By: Plaintiff Hotchkiss, Steven A <i>[114] Opposition to Second Post Judgment Motion</i>
09/30/2020	 Opposition to Motion Filed By: Plaintiff Hotchkiss, Steven A <i>[115] Opposition to Third Post Judgment Motion</i>
10/07/2020	 Stipulation and Order <i>[116]</i>
10/12/2020	 Recorders Transcript of Hearing <i>[117] RECORDER'S TRANSCRIPT OF HEARING: PLAINTIFF'S MOTION FOR SUMMARY</i>

**CASE SUMMARY**

**CASE NO. A-17-762264-C**

*ADJUDICATION OF ISSUES. HEARD ON JANUARY 29, 2019*

10/12/2020	 <b>Recorders Transcript of Hearing</b> <i>[118] RECORDER'S TRANSCRIPT OF HEARING: CALENDAR CALL. MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT ON ORDER SHORTENING TIME. HEARD ON APRIL 9, 2019</i>
10/13/2020	 <b>Reply to Opposition</b> Filed by: Defendant Rodriquez, Vernon <i>[119] REPLY TO OPPOSITION TO FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B)</i>
10/13/2020	 <b>Reply to Opposition</b> Filed by: Defendant Rodriquez, Vernon <i>[120] REPLY TO OPPOSITION TO SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A)</i>
10/13/2020	 <b>Reply to Opposition</b> Filed by: Defendant Rodriquez, Vernon <i>[121] REPLY TO OPPOSITION TO THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL</i>
11/12/2020	 <b>Order</b> Filed By: Plaintiff Hotchkiss, Steven A <i>[122] Order on Post Judgment Motions</i>
11/12/2020	 <b>Notice of Appearance</b> Party: Cross Defendant Robinson, Ronald J <i>[123] Notice of Appearance</i>
11/24/2020	 <b>Memorandum of Points and Authorities</b> Filed By: Defendant Rodriquez, Vernon <i>[124] DEFENDANT VERNON RODRIGUEZ S SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF POST-JUDGMENT MOTIONS</i>
12/22/2020	 <b>Supplemental Brief</b> Filed By: Plaintiff Hotchkiss, Steven A <i>[125] Supplemental Post Trial Brief</i>
01/04/2021	Case Reassigned to Department 23 <i>Judicial Reassignment to Judge Jasmin Lilly-Spells</i>
01/07/2021	 <b>Notice of Department Reassignment</b> <i>[126] Notice of Department Reassignment</i>
02/01/2021	 <b>Notice of Rescheduling of Hearing</b> <i>[127] Notice of Rescheduling of Hearing</i>
03/12/2021	 <b>Notice of Rescheduling of Hearing</b> <i>[128] Notice of Rescheduling of Hearing</i>



# CASE SUMMARY

CASE NO. A-17-762264-C

03/16/2021	 Motion Filed By: Cross Defendant Robinson, Ronald J <i>[129] Motion to Rule 54(b) Determination</i>
03/16/2021	 Clerk's Notice of Hearing <i>[130] Notice of Hearing</i>
04/01/2021	 Recorders Transcript of Hearing <i>[131] RECORDER'S TRANSCRIPT OF BENCH TRIAL - DAY 1. HEARD ON FEBRUARY 24, 2020</i>
04/01/2021	 Recorders Transcript of Hearing <i>[132] RECORDER'S TRANSCRIPT OF BENCH TRIAL - DAY 2. HEARD ON FEBRUARY 25, 2020</i>
04/20/2021	 Notice of Rescheduling of Hearing <i>[133] Motion and Decision</i>
05/27/2021	 Stipulation and Order Filed by: Defendant Rodriquez, Vernon <i>[134] Stipulation and Order to Continue Hearing on Supplemental Points and Authorities In Support of Second Post- Judgment Motion by Defendant Veron Rodriguez for A New Trial, or in the Alternative, Futher Action After A Nonjury Trial Pursuant to Nev. R. CIV . P. 59 (A)</i>
06/09/2021	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[135] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
06/10/2021	 Supplement Filed by: Defendant Rodriquez, Vernon <i>[136] SUPPLEMENT TO SECOND POSTJUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A)</i>
06/15/2021	 Order Filed By: Cross Defendant Robinson, Ronald J <i>[137] Order Granting Motion for Rule 54(b) Determination</i>
06/15/2021	 Order Filed By: Plaintiff Hotchkiss, Steven A <i>[138] Omnibus Order on Post Judgment Motions</i>
06/29/2021	 Stipulation and Order Filed by: Defendant Rodriquez, Vernon <i>[139] Stipulation and Order to Continue Hearing on Supplemental Points and Authorities in Support of Second Port- Judgment Motion by Defendant Vernon Rodriguez for a New Trial, or in the Alternative Further Action After a Nonjury Trial Pursuant to NEV. R. CIV.P. 59(A)</i>
07/06/2021	 Motion Filed By: Defendant Rodriquez, Vernon <i>[140] Motion by Defendant Vernon Rodriguez for Stay Pending Appeal and To Approve Alternative Security</i>
07/06/2021	 Declaration Filed By: Defendant Rodriquez, Vernon <i>[141] DECLARATION IN SUPPORT OF MOTION BY DEFENDANT VERNON RODRIGUEZ</i>

# CASE SUMMARY

CASE NO. A-17-762264-C

FOR STAY PENDING APPEAL AND TO APPROVE ALTERNATIVE SECURITY

07/06/2021



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

07/12/2021



Supplement  
Filed by: Plaintiff Hotchkiss, Steven A  
[143] Plaintiff's Reply to Rodriguez' Second Supplemental Post Trial Brief

07/15/2021



Notice of Appeal  
Filed By: Cross Defendant Robinson, Ronald J  
[144] Notice of Appeal

07/15/2021



Case Appeal Statement  
Filed By: Cross Defendant Robinson, Ronald J  
[145] Case Appeal Statement

## DISPOSITIONS

05/20/2019

**Order of Dismissal With Prejudice** (Judicial Officer: Silva, Cristina D.)  
Debtors: Steven A Hotchkiss (Plaintiff)  
Creditors: Retire Happy LLC (Defendant), Josh Stoll (Defendant)  
Judgment: 05/20/2019, Docketed: 05/20/2019

04/27/2020

**Judgment** (Judicial Officer: Silva, Cristina D.)  
Debtors: Ronald J Robinson (Defendant), Vernon Rodriquez (Defendant), Wintech LLC (Defendant), Frank Yoder (Defendant), Alisa Davis (Defendant)  
Creditors: Steven A Hotchkiss (Plaintiff)  
Judgment: 04/27/2020, Docketed: 04/28/2020

05/08/2020

**Judgment** (Judicial Officer: Silva, Cristina D.)  
Debtors: Ronald J Robinson (Defendant), Vernon Rodriquez (Defendant), Alisa Davis (Defendant)  
Creditors: Steven A Hotchkiss (Plaintiff)  
Judgment: 05/08/2020, Docketed: 05/08/2020

08/20/2020

**Judgment Plus Interest** (Judicial Officer: Silva, Cristina D.)  
Debtors: Ronald J Robinson (Defendant)  
Creditors: Steven A Hotchkiss (Plaintiff)  
Judgment: 08/20/2020, Docketed: 08/21/2020  
Total Judgment: 1,098,782.00  
Debtors: Vernon Rodriquez (Defendant)  
Creditors: Steven A Hotchkiss (Plaintiff)  
Judgment: 08/20/2020, Docketed: 08/21/2020  
Total Judgment: 960,401.00

06/09/2021

**Clerk's Certificate** (Judicial Officer: Lilly-Spells, Jasmin)  
Debtors: Ronald J Robinson (Defendant)  
Creditors: Steven A Hotchkiss (Plaintiff)  
Judgment: 06/09/2021, Docketed: 06/10/2021  
Comment: Supreme Court No 81838 - "APPEAL DISMISSED"

## HEARINGS

11/13/2017



**Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time*  
Granted; Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time  
Journal Entry Details:  
*The Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time came before the Court on the November 13, 2017, Chambers Calendar. Having reviewed the Motion*

# CASE SUMMARY

CASE NO. A-17-762264-C

and there being No Opposition thereto, COURT ORDERED, the Motion is GRANTED.  
CLERK'S NOTE: the Order Granting Motion to Withdraw as Counsel of Record was filed on November 15, 2017.;

05/01/2018



**Discovery Conference (9:30 AM)** (Judicial Officer: Bulla, Bonnie)

*COURT CALL - Discovery Conference*

Scheduling Order Will Issue;

Journal Entry Details:

*Not all parties were participatory in the JCCR filed. A supplemental JCCR was filed 4-30-18. No courtesy copy provided to Commissioner. Discovery cutoff is 1-10-19; adding parties, amended pleadings, and initial expert disclosures due 10-23-18; rebuttal expert disclosures due 11-10-18; dates do not work with the Rule. Colloquy. Counsel anticipate 5 days for trial re: Fraud; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 2-11-19; adding parties and amended pleadings DUE 10-23-18; initial expert disclosures DUE 11-9-18; rebuttal expert disclosures DUE 12-10-18; file dispositive motions by 3-8-19. Scheduling Order will issue. MATTER RECALLED: Louis Palazzo, Esquire, present. Commissioner provided the outcome to Mr. Palazzo. ;*

12/03/2018



**Motion (3:00 AM)** (Judicial Officer: Smith, Douglas E.)

12/03/2018, 01/22/2019, 01/29/2019

*Plaintiff's Motion for Summary Adjudication of Issues*

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues

Journal Entry Details:

*Mr. Liebrader is appearing telephonically. This is the time set for hearing on Plaintiff's Motion for Summary Adjudication of Issues. Plaintiff is an investor in a promissory note issued by Defendant, Virtual Communication Corporation (VCC); he invested \$75,000 into the note and in exchange for his investment, he was to receive 9 percent interest until the note was paid off. Mr. Liebrader advised that the investment purchased by the Plaintiff is a security; VCC themselves referred to the investment as a security. A security is simply defined as a "note" and this was a promissory note. Judge Williams recently tried a case on the same promissory note and Plaintiff was given summary adjudication on this same issue; that the promissory note is a security and was not exempt from registration. Additionally, the security was neither registered nor exempt from registration. VCC needed to register the note prior to offering it for sale or file a request for exemption, they did neither. Under NRS 90.690, Defendants have the burden of claiming which exemptions apply and to prove that they apply; they have not done that. Since there are no genuine issues of material fact, the Motion should be granted. Mr. Gewerter advised that the VCC's promissory note was not a security and since it was not a security, it was exempt from registration for the reasons stated on the record. Mr. Gewerter discussed Exhibit 1 to his Opposition. The holder of the Promissory Note is Provident Trust Group, LLC, not the Plaintiff. This is a trust account and under a trust account you must have the trustee bring the action; therefore, the Plaintiff has no standing to allege anything in this case. Mr. Palazzo advised that last time the parties were present, the Court indicated its inclination; i.e., the Court did not find this to be a security and Mr. Palazzo believes that is an appropriate impression for the reasons stated on the record. COURT ORDERED, decision DEFERRED; the Court would like to review this matter further before making a decision. ;*

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues

Journal Entry Details:

*This is the time set for hearing on Plaintiff's Motion for Summary Adjudication of Issues. Court called case; Mr. Liebrader is present telephonically and Mr. Palazzo is present in person; counsel is waiting on Harold Gewerter, Esq., to appear. Court trailed matter. MATTER RECALLED: All present as before. Court noted that since Mr. Gewerter is still not present, the Court can do one of two things, it can rule from the pleadings or pass it a week. Neither the Court nor Mr. Palazzo know anything about Mr. Gewerter's whereabouts. Mr. Liebrader advised that he does not have anything to add, there are only two issues and they are appropriately discussed in this Motion and Reply; he submitted on the pleadings. Mr. Palazzo CONCURRED and submitted the matter also. Court advised that if it were to rule on the pleadings, it appears that the security note in question is not subject to NRS 90.295; Mr. Gewerter would need to prepare the Order. Colloquy as to whether the Court's ruling was tentative; Mr. Liebrader would like to argue this matter. COURT ORDERED, matter CONTINUED; Mr. Liebrader requested to appear telephonically again. CONTINUED TO:*

# CASE SUMMARY

CASE NO. A-17-762264-C

01/29/19 8:00 AM ;

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Matter Continued; Plaintiff's Motion for Summary Adjudication of Issues

Deferred Ruling; Plaintiff's Motion for Summary Adjudication of Issues

Journal Entry Details:

*Plaintiff's Motion for Summary Adjudication of Issues came before the Court on its December 3, 2018, Chamber Calendar. The Court reviewed the Motion, the Oppositions, and the Reply thereto, and has determined that oral argument on the matter would assist the Court in its decision. Therefore, COURT ORDERED, matter CONTINUED to this Court's Oral Calendar. CONTINUED TO: 01/22/19 8:00 AM CLERK'S NOTE: A copy of this minute order was placed in the attorney folders of David Liebrader, Esq., (The Law Offices of David Liebrader, APC) and T. Louis Palazzo, Esq., (Palazzo Law Firm).;*

02/25/2019



**Decision** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*Decision: Plaintiff's Motion for Summary Adjudication of Issues*

Decision Made; Plaintiff's Motion for Summary Adjudication of Issues

Journal Entry Details:

*The Court heard oral argument on Plaintiff's Motion for Summary Adjudication of Issues on January 29, 2019, but DEFERRED its ruling. The Court's ruling is as set forth in the Order Denying Plaintiff's Motion for Summary Adjudication of Issues filed on February 25, 2019. ;*

04/09/2019

**Calendar Call** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

Matter Heard;

04/09/2019

**Motion for Determination of Good Faith Settlement** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

*Defendants Retire Happy, LLC, and Josh Stoll's Motion for Determination of Good Faith Settlement on Order Shortening Time*

Granted;

04/09/2019



**All Pending Motions** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

*Calendar Call . . . Defendants Retire Happy, LLC, and Josh Stoll's Motion for Determination of Good Faith Settlement on Order Shortening Time*

Matter Heard;

Journal Entry Details:

*CALENDAR CALL . . . DEFENDANTS RETIRE HAPPY, LLC, AND JOSH STOLL'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT ON ORDER SHORTENING TIME This is the time set for Calendar Call; Mr. Palazzo has filed a Motion for Determination of Good Faith Settlement on Order Shortening Time. Court noted there is no opposition to the Motion and, therefore, ORDERED, the Motion is GRANTED. Mr. Palazzo to submit an Order. Colloquy as to what parties remain in the case; Mr. Gewerter advised that Viral Communication went into bankruptcy; Wintech was their subsidiary so they are not part of this case anymore. Mr. Gewerter represents, Defendants Ronald J. Robinson, Vern Rodriguez, and Alisa Davis and Mr. Liebrader represents the Plaintiff, Steven Hotchkiss. Upon Court's inquiry as to whether counsel were ready for trial; Mr. Liebrader advised there are two issues in the case; one is the action to recover money under a promissory note and the other has to do with securities' law issues. Mr. Gewerter advised that there is a pending motion; he filed a Partial Motion to Dismiss but Master Calendar calendared it after the trial start date. Both counsel requested that this matter be placed on the September stack. COURT ORDERED, trial date VACATED and RESET. 08/27/19 8:00 AM CALENDAR CALL 09/09/19 9:30 AM JURY TRIAL ;*

04/22/2019

**CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)

*Vacated - per Judge*

04/23/2019



**Motion to Dismiss** (9:00 AM) (Judicial Officer: Cherry, Michael A.)

*Defendants' Partial Motion to Dismiss*




Denied; Defendants' Partial Motion to Dismiss

Journal Entry Details:

*This is the time set for hearing on Defendants Motion to Dismiss. Mr. Gewerter advised that Defendants are seeking to dismiss all of Plaintiff's security related claims. This Court previously ruled that the notes or the investments in this particular case were not a security so*

# CASE SUMMARY

CASE NO. A-17-762264-C

	<p><i>the securities remedies pursuant to NRS 90.460 cannot be pursued. Therefore, Mr. Gewerter would request that Causes of Action Nos. 1, 2, and 3 be dismissed. Mr. Liebrader believes that Mr. Gewerter has misstated Judge Smith's ruling. Plaintiff filed a Motion for Partial Summary Judgment on the issue of whether or not the note was a security and Judge Smith found that a reasonable trier of fact could make the determination as to whether it was a security or not so Summary Judgment was not granted. Mr. Gewerter advised the Court of the Order Denying Plaintiff's Motion for Summary Adjudicated which was heard on January 29, 2019; the Order says, "The remaining issue upon which Plaintiff seeks summary adjudication (whether the VCC note was sold in violation of NRS 90.460) is moot, as it relies on this Court's granting of summary adjudication on the issue of whether the VCC note was a security." Therefore, Mr. Gewerter believes that the Court found that the note was not a security so there can be no securities remedy. The other Causes of Action may go forward but the securities actions are gone. COURT ORDERED, the Motion is DENIED. ;</i></p>
07/30/2019	<p><b>CANCELED Settlement Conference (1:30 PM)</b>  <i>Vacated</i></p>
08/27/2019	<p> <b>Calendar Call (8:30 AM)</b> (Judicial Officer: Silva, Cristina D.)</p> <p>Matter Heard;  Journal Entry Details:  <i>This is the time set for Calendar Call. Court noted that it received a Pretrial Memorandum; colloquy as to whether counsel were ready for trial. Mr. Liebrader advised that a Settlement Conference has been scheduled for tomorrow (August 28) before Judge Wiese. Mr. Gewerter advised that he is not ready; this case was recently consolidated and he needs to file some motions. Counsel spoke this morning and Mr. Gewerter does not believe Mr. Liebrader has any objection to continuing the trial. Colloquy regarding scheduling issues. COURT ORDERED, trial date VACATED and RESET. 01/28/20 8:30 AM CALENDAR CALL 02/10/20 9:30 AM JURY TRIAL ;</i></p>
08/28/2019	<p> <b>Settlement Conference (1:30 PM)</b> (Judicial Officer: Wiese, Jerry A.)</p> <p>Not Settled;  Journal Entry Details:  <i>The above-referenced matter came on for a settlement conference with Judge Jerry Wiese on Wednesday, August 28, 2019. The Plaintiffs participated by telephone, and were represented by David Liebrader, Esq., who has settlement authority for his clients. The Defendants, Ronald Robinson, Vernon Rodriguez, and Alisa Davis, were present with their attorney, Harold Gewerter, Esq. It appeared that the case would settle, but at the last minute Mr. Robinson indicated that he wanted to think about the settlement for a while. The Plaintiffs agreed to leave their last offer open for a week. The Court believes that there is a likelihood that the case will settle, but for now, the case is not settled, and will be referred back to the originating department for further handling. CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: David Liebrader, Esq.(via facsimile: 702-583-4227) and Harold Gewerter, Esq. (via facsimile:702-382-1759)./8/30/19lk;</i></p>
09/09/2019	<p><b>CANCELED Jury Trial (9:30 AM)</b> (Judicial Officer: Smith, Douglas E.)  <i>Vacated - per Judge</i></p>
01/28/2020	<p> <b>Calendar Call (8:30 AM)</b> (Judicial Officer: Silva, Cristina D.)</p> <p>Matter Heard;  Journal Entry Details:  <i>This is the time set for Calendar Call. Counsel noted that they are ready for trial. Colloquy regarding scheduling issues; the trial is expected to take two (2) to three (3) days. Mr. Gerwerter advised that a companion case was tried last year; there will only be a couple of witnesses and argument. COURT ORDERED, matter set for trial. 02/24/20 9:30 AM JURY TRIAL ;</i></p>
02/24/2020	<p> <b>Bench Trial (9:30 AM)</b> (Judicial Officer: Silva, Cristina D.)  <b>02/24/2020-02/25/2020</b></p> <p>Trial Continues;  Supplemental Briefing Due;  Journal Entry Details:  <i>11:05 a.m. Bench Trial resumed. Testimony and exhibits presented (see worksheets).</i></p>



**CASE SUMMARY****CASE NO. A-17-762264-C**

Following the testimony of Mr. Yoder, Mr. Liebrader orally moved to DISMISS the action against him, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. Both the Plaintiff and the Defendant rest. Court advised that there were a few issues raised in the Defendant's Pretrial Memorandum which the Court would like to address. First is the Motion to Dismiss for Failure to Name Indispensable Party. COURT ORDERED, the Motion is DENIED. Second, is the Discharge of Mr. Robinson from his Personal Guarantee, which was extinguished by the bankruptcy discharge. Arguments by counsel. The Court discussed Donnell vs. Perpetual Investment, Inc., and Ronald Rippe, Individually, it is an unpublished decision but the Court believes it is persuasive. The Court directed counsel to submit their closing arguments in writing; the closing briefs are to be submitted simultaneously, with no more than ten (10) pages, and shall be submitted within the next thirty (30) days (March 22). Additionally, counsel should address the aforementioned case in their closing briefs. COURT ORDERED, decision DEFERRED; the matter will be placed on this Court's Chamber Calendar for decision. 12:53 p.m. Court ADJOURNED. COURT ORDERED, decision DEFERRED 04/20/20 CHAMBER CALENDAR DECISION;

Trial Continues;

Supplemental Briefing Due;

Journal Entry Details:

Also present: Alisa Davis. 11:05 a.m. Bench Trial commenced. Mr. Gewerter advised that the parties have stipulated to some evidence coming in, several documents have already been stipulated to; they were named for the record. Colloquy as to whether the Court would be hearing live testimony; Mr. Liebrader advised that the stipulation was that they may call witnesses it did not say that they could not; Mr. Rodriguez is present this morning and would like to testify. Mr. Gewerter believes the documents speak for themselves, there is no need for live testimony. Court advised that it would allow limited testimony. Opening statements by Mr. Liebrader and Mr. Gewerter. Testimony and exhibits presented (see worksheets). Following the testimony of Ms. Davis, Mr. Liebrader orally moved to DISMISS the action against her, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. 4:40 p.m. Court ADJOURNED, COURT ORDERED, Bench Trial CONTINUED. CONTINUED TO: 02/25/20 11:00 AM ;

04/20/2020

**Decision (3:00 AM)** (Judicial Officer: Silva, Cristina D.)

Decision: Bench Trial

Decision Made; Bench Trial

Journal Entry Details:

The Bench Trial in this matter came before this Court on February 24, and 25, 2020. At the conclusion of the trial, the Court directed counsel to submit supplemental briefing and their written closing arguments. The Court's ruling is as set forth in the Decision filed on April 27, 2020. ;

06/08/2020

**Motion for Attorney Fees (3:00 AM)** (Judicial Officer: Silva, Cristina D.)

Plaintiff's Motion for Damages and Attorney's Fees

Granted; Plaintiff's Motion for Damages and Attorney's Fees

Journal Entry Details:

Plaintiff's Motion for Damages and Attorney's Fees came before the Court on its June 8, 2020, Chamber Calendar. Having considered the moving papers, and for the reasons set forth in Plaintiff's Motion, the Court hereby GRANTS the Motion. In its opposition to the motion, Defendants argue that they intend to raise the issue of the affirmative defense for failure to join a necessary party on appeal. While Defendants did elicit some testimony about Provident Trust and its role in this litigation, Defendants did not argue this affirmative defense during the trial, nor did they move for a directed verdict. The Court notes that a party that has not moved for a directed verdict below generally may not later challenge the sufficiency of the evidence on appeal, but an appellate court may review for plain error or manifest injustice. Price v. Simmott, 85 Nev. 600, 607, 460 P.2d 837, 841 (1969). In reaching its decision on Attorney's Fees, the Court evaluated the factors set forth in Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 455 P.2d 31 (1969), including: (1) the qualities of the attorney, the attorney's ability, his training, education, experience, professional standing and skill; (2) the difficulty and character of the work to be done, including the time necessary to complete the task; (3) the work actually performed by the lawyer; and (4) the result of the work performed. The Plaintiff's Motion sets forth how these factors are met, and therefore Attorney's Fees are appropriate. The parties shall meet and confer and submit for review a draft of Findings of Facts and Conclusions of Law to DC9Inbox@clarkcountycourts.us, which includes electronic signatures and is consistent with this Order. CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the

# CASE SUMMARY

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foregoing minute order was distributed to the listed Service Recipients in the Odyssey eFileNV system.;

07/23/2020



**Motion For Reconsideration** (3:00 AM) (Judicial Officer: Silva, Cristina D.)

*Motion by Defendant Vernon Rodriguez for Reconsideration of June 8, 2020 Minute Order Regarding Plaintiffs' Motion for Damages and Attorneys' Fees*

Denied;

Journal Entry Details:

*Pending before the Court is Defendant Vernon Rodriguez s Motion for Reconsideration. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsiderations are reserved for very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). Having reviewed the motion and the opposition thereto, the Court finds Defendant Rodriguez has not met the standard for reconsideration. As a result, the Motion is DENIED.;*

10/27/2020

**Motion to Stay** (9:00 AM) (Judicial Officer: Silva, Cristina D.)

*Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal*

Stayed;

10/27/2020

**Motion** (9:00 AM) (Judicial Officer: Silva, Cristina D.)

*Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. P. 59(a)*

Stayed;

10/27/2020

**Motion to Amend Judgment** (9:00 AM) (Judicial Officer: Silva, Cristina D.)

*First Post-Judgment Motion By Defendant Vernon Rodriguez for Additional Findings Of Fact and Conclusions of Law and to Amend Judgment Pursuant To Nev. R. Civ. P. 52(B), Or In The Alternative, For Further Action After A Nonjury Trial Pursuant To Nev. R. Civ. P. 59(B)*

Briefing Schedule Set;

set for decision on same matter for same date/time

10/27/2020



**All Pending Motions** (9:00 AM) (Judicial Officer: Silva, Cristina D.)

*FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL*

Matter Heard;

Journal Entry Details:

*David Liebrader, Esq. and Harold Gewerter, Esq. present via Bluejeans video conference. FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL... Arguments by counsel regarding NRS 90.660. Following arguments, the Court advised it would need parties to brief the matter due to parties indicating there was case law and jurisdiction. COURT DIRECTED Mr. Fleming to file an Opposition. COURT ORDERED the following Briefing Schedule: Mr. Fleming to file Opposition Brief by November 24, 2020, Mr. Liebrader to file reply by December 22, 2020, and matter CONTINUED for Argument; FURTHER ORDERED, Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action*

## CASE SUMMARY

CASE NO. A-17-762264-C

*After a Nonjury Trial Pursuant to Nev. R. Civ. p. 59(a) and Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal STAYED. Court DIRECTED both Deft.'s not to transfer, dispose, remove or conceal any assets. Court advised any request to do so would need to come before the court; everyday expenses that needed to be paid before judgement would be fine to continue to pay. 01/19/2021 9:00 AM ARGUMENT ;*

03/09/2021



**Argument (9:30 AM)** (Judicial Officer: Lilly-Spells, Jasmin)

Hearing Set;

Journal Entry Details:

ARGUMENT: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) ... SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) ... THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL Argument by Mr. Fleming in suport of the motions. Argument by Mr. Liebrader in opposition to the motions. COURT ORDERED, matters CONTINUED for Decision as it wantd to go back and look at everything, no additional arguments or briefing was needed; however, it may have additonal questions. 3/23/21 - 9:30 AM - DECISION: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) ... SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) ... THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL;

04/27/2021

**Decision (9:30 AM)** (Judicial Officer: Lilly-Spells, Jasmin)

Decision: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) ... SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) ... THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL

Matter Heard;

04/27/2021

**Motion (9:30 AM)** (Judicial Officer: Lilly-Spells, Jasmin)

*Defendant's Motion to Rule 54(b) Determination*

Granted;

04/27/2021



**All Pending Motions (9:30 AM)** (Judicial Officer: Lilly-Spells, Jasmin)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Adam Trippiedi, Esq. present on behalf of Michael Bohn, Esq., for Defendant Robinson. DEFENDANT'S MOTION TO RULE 54(B) DETERMINATION Following arguments by Mr. Liebrader and Mr. Bohn, COURT ORDERED, motion GRANTED. COURT FURTHER ORDERED an Order to Show Cause will ISSUE as to why the cross claim should not be dismissed; record is unclear as there are no documents filed showing settlement or requesting the individuals be dismissed. Court noted motion was unopposed and DIRECTED Mr. Bohn to submit an order for signature. Court Advised it reviewed the record further and it appears an order granting a good faith settlement for all claims and dismissing all causes with prejudice was filed on May 20, 2019, and noted it believes there is no need for an Order to Show Cause. Mr. Bohn agreed, therefore, COURT ORDERED, order to show cause VACATED. DECISION: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF



# CASE SUMMARY

CASE No. A-17-762264-C

LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) COURT STATED ITS FINDINGS and ORDERED motion DENIED. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days. DECISION: SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) COURT STATED ITS FINDINGS and ORDERED further briefing allowed regarding whether the issue deserves an Evidentiary Hearing. Court noted it is not inclined to reopen and further the trial, however, it will allow further briefing as to whether the Court has jurisdiction to grant an Evidentiary Hearing and whether it is warranted. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days. COURT ADDITIONALLY ORDERED, briefing schedule as to the Second Post Judgment Motion SET as follows: Briefing DUE by May 27, 2021 Opposition DUE by June 26, 2021 Reply DUE by July 6, 2021 DECISION: THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL Upon Court's inquiry, Mr. Fleming requested supplemental briefing also be allowed regarding the third post judgment motion and request for stay as to address all of the elements described by Court. Following arguments by Mr. Liebrader and Mr. Fleming, COURT STATED ITS FINDINGS and ORDERED, motion DENIED WITHOUT PREJUDICE; the Court does not have enough information to address the request at this time. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days. Upon Mr. Liebrader's inquiry, COURT clarified Mr. Liebrader to prepare the orders for the first, second and third post judgment motions and Mr. Bohn to prepare the order for the Rule 54b motion; counsel to review orders before submitting them for signature to the Court in both Word and PDF formats within 14 days. Court noted there was no briefing schedule for the third post judgment motion, however, Advised if parties were inclined to file additional briefing the Court would prefer to hear all matters on the same date. Upon Mr. Liebrader's further inquiry, COURT ALSO ORDERED the STAY REMAINS until the resolution of this matter; the transferring, disposing, hiding, or maneuvering of assets is not allowed by Mr. Rodriguez. Mr. Liebrader DIRECTED to include that in the order. 07-20-2021 09:30 AM DECISION: SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A)...THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL;

08/03/2021	<b>Hearing</b> (9:30 AM) (Judicial Officer: Lilly-Spells, Jasmin) <i>Re: Any Supplemental Points and Authorities Offered in Support of the Second Post- Trial Motion</i>
08/10/2021	<b>Motion For Stay</b> (9:30 AM) (Judicial Officer: Lilly-Spells, Jasmin) <i>Motion by Defendant Vernon Rodriguez for Stay Pending Appeal and To Approve Alternative Security</i>

DATE

FINANCIAL INFORMATION

<b>Cross Claimant</b> Retire Happy LLC	
Total Charges	253.00
Total Payments and Credits	253.00
<b>Balance Due as of 7/19/2021</b>	<b>0.00</b>
 <b>Cross Claimant</b> Stoll, Josh	
Total Charges	3.00
Total Payments and Credits	3.00
<b>Balance Due as of 7/19/2021</b>	<b>0.00</b>
 <b>Cross Defendant</b> Robinson, Ronald J	
Total Charges	361.00
Total Payments and Credits	361.00
<b>Balance Due as of 7/19/2021</b>	<b>0.00</b>
 <b>Defendant</b> Rodriquez, Vernon	
Total Charges	223.00
Total Payments and Credits	223.00

**CASE SUMMARY**

**CASE NO. A-17-762264-C**

<b>Balance Due as of 7/19/2021</b>	<b>0.00</b>
<b>Plaintiff</b> Hotchkiss, Steven A	
Total Charges	270.00
Total Payments and Credits	270.00
<b>Balance Due as of 7/19/2021</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

A-17-762264-C

CLARK County, Nevada

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

(Assigned by Clerk's Office)

Department 8

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

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

Steven A. Hotchkiss  
c/o counsel (Below)

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

RONALD J. ROBINSON

Attorney (name/address/phone):

David Liebrader  
601 S. Rancho Dr. Ste. D-29  
Las Vegas, NV 89106  
702 390-3131

Attorney (name/address/phone):

UNKNOWN

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

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

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

9.27.17

Date

Signature of initiating party or representative

See other side for family-related case filings.

DAVID LIEBRADER, ESQ.  
STATE BAR NO. 5048  
THE LAW OFFICES OF DAVID LIEBRADER, APC  
3960 HOWARD HUGHES PARKWAY STE 500  
LAS VEGAS, NV 89169  
PH: (702) 380-3131  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN

Steven A. Hotchkiss,

PLAINTIFF,

v.

Ronald J. Robinson, Vernon Rodriguez, Frank  
Yoder, Alisa Davis and DOES 1-10 and ROES 1-  
10, inclusively

DEFENDANTS

Anthony White, Robin Suntheimer, Troy  
Suntheimer, Stephens Ghesquiere, Jackie Stone,  
Gayle Chany, Kendall Smith, Gabriele  
Lavermicocca and Robert Kaiser

PLAINTIFFS

v.

Ronald J. Robinson, Vernon Rodriguez, Virtual  
Communications Corporation, Frank Yoder, Alisa  
Davis and DOES 1-10 and ROES 1-10, inclusively

DEFENDANTS

) Case No. A-17-762264-C

) Dept.: IX

) CONSOLIDATED WITH

) Case No. A-17-763003-C

) **FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER ON MOTION FOR  
DAMAGES AND ATTORNEY'S  
FEES**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

Plaintiffs' Motion for Damages and Attorney's Fees came on for Decision by  
the Court on its June 8, 2020 Chamber's Calendar. The Court considered Plaintiffs'

1 Motion, the Oppositions filed by Defendants Vernon Rodriguez and Ron Robinson,  
2 and Plaintiffs' replies thereto. Based upon the submissions, the Court GRANTS  
3 Plaintiff's Motion.

4 In reaching its decision on Attorney's Fees, the Court evaluated the factors set  
5 forth in Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 455P.2d 37 (1969),  
6 including:(1) the qualities of the attorney, the attorney's ability, his training,  
7 education, experience, professional standing and skill; (2) the difficulty and character  
8 of the work to be done, including the time necessary to complete the task; (3) the  
9 work actually performed by the lawyer; and (4) the result of the work performed. The  
10 Plaintiffs' Motion sets forth how these factors are met and therefore Attorney's Fees  
11 are appropriate.

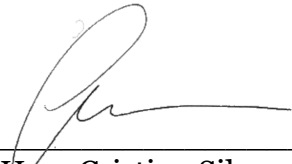
12 Because Plaintiffs prevailed on both their breach of contract claim and  
13 securities law claim against Defendant Ronald Robinson, Plaintiffs are entitled to  
14 damages and attorney's fees on both claims. The contract underlying the breach of  
15 contract claim provides for an award of attorney's fees, while NRS §90.660 provides  
16 for an award of attorney's fees for control person liability, which was established. As  
17 a result, Plaintiffs are awarded damages and attorney's fees on their breach of  
18 contract claims against Defendant Robinson in the amount of \$1,098,782 comprised  
19 of principal in the amount of \$574,000, interest in the amount of \$258,300, "late  
20 fees" of \$12,917 and attorney's fees of \$253,565, as set forth in Plaintiffs' Statement of  
21 Damages filed February 3, 2020.

22 As to Defendant Rodriguez, he is also liable as a control person, and per NRS  
23 §90.660 Plaintiffs are entitled to an award of damages and attorney's fees on this  
24  
25  
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1 successful claim in the amount of \$960,401, comprised of principal in the amount of  
2 \$574,000, interest in the amount of \$164,770 and attorney's fees in the amount of  
3 \$221,631 as set forth in Plaintiffs' filed February 22, 2020 Statement of Damages.  
4  
5

6 **IT IS SO ORDERED:**  
Dated this 20th day of August, 2020

7 Dated this \_\_\_\_\_th day of August, 2020  
8



9 Hon. Cristina Silva  
District Court Judge  
D4B 26A F3E2 9C07  
Cristina D. Silva  
District Court Judge

EC

10  
11 Submitted by: /s/ David Liebrader  
12 David Liebrader, Esq.  
13 Attorney for Plaintiff  
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1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, 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 Findings of Fact, Conclusions of Law and Order was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 8/20/2020

15 Harold Gewerter

harold@gewerterlaw.com

16 T. Louis Palazzo, Esq.

louis@palazzolawfirm.com

17 Celina Moore

celina@palazzolawfirm.com

18 Miriam Roberts

miriam@palazzolawfirm.com

19 David Liebrader, Esq.

dliebrader@gmail.com

20 David Liebrader

DaveL@investmentloss.com

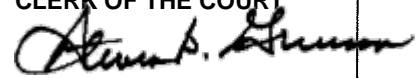
21 Vernon Rodriquez

harold@gewerterlaw.com

22 Scott Fleming

scott@fleminglawlv.com

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DAVID LIEBRADER, ESQ.  
STATE BAR NO. 5048  
THE LAW OFFICES OF DAVID LIEBRADER, APC  
3960 HOWARD HUGHES PARKWAY STE 500  
LAS VEGAS, NV 89169  
PH: (702) 380-3131  
Attorney for Plaintiffs

DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN

Steven A. Hotchkiss,

PLAINTIFF,

v.

Ronald J. Robinson, Vernon Rodriguez, Frank  
Yoder, Alisa Davis and DOES 1-10 and ROES 1-  
10, inclusively

DEFENDANTS

Anthony White, Robin Suntheimer, Troy  
Suntheimer, Stephens Ghesquiere, Jackie Stone,  
Gayle Chany, Kendall Smith, Gabriele  
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PLAINTIFFS

v.

Ronald J. Robinson, Vernon Rodriguez, Virtual  
Communications Corporation, Frank Yoder, Alisa  
Davis and DOES 1-10 and ROES 1-10, inclusively

) Case No. A-17-762264-C

) Dept.: 9

) NOTICE OF ENTRY OF ORDER

) CONSOLIDATED WITH

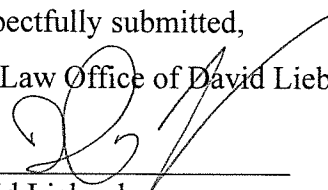
) Case No. A-17-763003-C

TO THE COURT, ALL PARTIES AND INTERESTED PERSONS: Please take notice that  
the Court's **Findings of Facts and Conclusions of Law re: Damages and Attorney's Fees**  
was filed with the Clerk on August 20, 2020. See attached.



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Dated: August 21, 2020

Respectfully submitted,  
The Law Office of David Liebrader, Inc.  
By:   
David Liebrader  
Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 2020, I mailed a copy of the foregoing

**NOTICE OF ENTRY OF ORDER**

to the following

Harold Gewerter, Esq.  
Gewerter Law Firm  
1212 Casino Center Boulevard  
Las Vegas, NV 89104

Scott Fleming, Esq.  
Fleming Law  
9525 Hillwood Dr. Ste. 140  
Las Vegas, NV 89134

/s/: Dianne Bresnahan

---

An Employee of The Law Office of David Liebrader

**EXHIBIT “A”**

1 DAVID LIEBRADER, ESQ.  
STATE BAR NO. 5048  
2 THE LAW OFFICES OF DAVID LIEBRADER, APC  
3960 HOWARD HUGHES PARKWAY STE 500  
3 LAS VEGAS, NV 89169  
PH: (702) 380-3131  
4 Attorney for Plaintiff

5 DISTRICT COURT  
CLARK COUNTY, NEVADA

6  
7 IN THE MATTER BETWEEN )

8 Steven A. Hotchkiss, )

9 PLAINTIFF, )

10 v. )

11 Ronald J. Robinson, Vernon Rodriguez, Frank  
Yoder, Alisa Davis and DOES 1-10 and ROES 1-  
12 10, inclusively )

13 DEFENDANTS )

14 Anthony White, Robin Suntheimer, Troy  
Suntheimer, Stephens Ghesquiere, Jackie Stone,  
15 Gayle Chany, Kendall Smith, Gabriele  
Lavermicocca and Robert Kaiser )

16 PLAINTIFFS )

17 v. )

18 Ronald J. Robinson, Vernon Rodriguez, Virtual  
19 Communications Corporation, Frank Yoder, Alisa  
Davis and DOES 1-10 and ROES 1-10, inclusively )

20 DEFENDANTS )  
21

22 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

23 Plaintiffs' Motion for Damages and Attorney's Fees came on for Decision by  
24 the Court on its June 8, 2020 Chamber's Calendar. The Court considered Plaintiffs'  
25  
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1 Motion, the Oppositions filed by Defendants Vernon Rodriguez and Ron Robinson,  
2 and Plaintiffs' replies thereto. Based upon the submissions, the Court GRANTS  
3 Plaintiff's Motion.

4 In reaching its decision on Attorney's Fees, the Court evaluated the factors set  
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7 education, experience, professional standing and skill; (2) the difficulty and character  
8 of the work to be done, including the time necessary to complete the task; (3) the  
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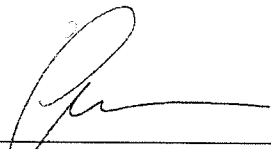
12 Because Plaintiffs prevailed on both their breach of contract claim and  
13 securities law claim against Defendant Ronald Robinson, Plaintiffs are entitled to  
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21 Damages filed February 3, 2020.

22 As to Defendant Rodriguez, he is also liable as a control person, and per NRS  
23 §90.660 Plaintiffs are entitled to an award of damages and attorney's fees on this  
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1 successful claim in the amount of \$960,401, comprised of principal in the amount of  
2 \$574,000, interest in the amount of \$164,770 and attorney's fees in the amount of  
3 \$221,631 as set forth in Plaintiffs' filed February 22, 2020 Statement of Damages.  
4  
5

6 IT IS SO ORDERED:  
Dated this 20th day of August, 2020

7 Dated this \_\_\_\_\_th day of August, 2020  
8

9   
10 Hon. Cristina Silva  
District Court Judge  
D4B 26A F3E2 9C07  
Cristina D. Silva  
District Court Judge

EC

11 Submitted by: /s/ David Liebrader  
12 David Liebrader, Esq.  
13 Attorney for Plaintiff  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 Steven Hotchkiss, Plaintiff(s)	CASE NO: A-17-762264-C
7 vs.	DEPT. NO. Department 9
8 Ronald Robinson, 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 Findings of Fact, Conclusions of Law and Order was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
14 case as listed below:

15 Service Date: 8/20/2020

16 Harold Gewerter	harold@gewerterlaw.com
17 T. Louis Palazzo, Esq.	louis@palazzolawfirm.com
18 Celina Moore	celina@palazzolawfirm.com
19 Miriam Roberts	miriam@palazzolawfirm.com
20 David Liebrader, Esq.	dliebrader@gmail.com
21 David Liebrader	DaveL@investmentloss.com
22 Vernon Rodriquez	harold@gewerterlaw.com
23 Scott Fleming	scott@fleminglawlv.com

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1 DAVID LIEBRADER, ESQ.  
2 STATE BAR NO. 5048  
3 THE LAW OFFICES OF DAVID LIEBRADER, APC  
4 3960 HOWARD HUGHES PARKWAY STE 500  
5 LAS VEGAS, NV 89169  
6 PH: (702) 380-3131  
7 Attorney for Plaintiff

8  
9  
10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 IN THE MATTER BETWEEN ) Case No. A-17-762264-C  
13 )  
14 Steven A. Hotchkiss, ) Dept.: ~~8~~ IX  
15 )  
16 PLAINTIFF, )  
17 v. ) CONSOLIDATED WITH  
18 )  
19 Ronald J. Robinson, Vernon Rodriguez, Frank ) Case No. A-17-763003-C  
20 Yoder, Alisa Davis and DOES 1-10 and ROES 1-  
21 10, inclusively )

22 **JUDGMENT**

23 DEFENDANTS )  
24 )  
25 Anthony White, Robin Suntheimer, Troy )  
26 Suntheimer, Stephens Ghesquiere, Jackie Stone, )  
Gayle Chany, Kendall Smith, Gabriele )  
Lavermicocca and Robert Kaiser )  
PLAINTIFFS, )  
v. )  
Ronald J. Robinson, Vernon Rodriguez, Virtual )  
Communications Corporation, Frank Yoder, Alisa )  
Davis and DOES 1-10 and ROES 1-10, inclusively )

DEFENDANTS )  
)

**JUDGMENT**

This matter was submitted for a bench trial before the Hon. Cristina Silva on  
February June 24-25, 2020.

The Court found Defendant Ronald J. Robinson liable as a guarantor of the



1 Virtual Communications Corporation promissory note, and also found Mr. Robinson  
2 and Defendant Vernon Rodriguez liable for violations of NRS §90.660 (civil liability  
3 under the Nevada Securities Laws) as control persons for Virtual Communications  
4 Corporation.

5 The Court finds that Plaintiffs are entitled to compensatory damages against  
6 Mr. Robinson for breach of contract, as well as under NRS §90.660. Plaintiffs are  
7 also entitled to damages under NRS §90.660 against Mr. Rodriguez.

8 Wherefore, it is hereby ordered that Plaintiffs shall have judgment against  
9 Defendant Robinson in the amount of \$1,098,782 comprised of principal in the  
10 amount of \$574,000, interest in the amount of \$258,300, "late fees" of \$12,917 and  
11 attorney's fees of \$253,565, as set forth in Plaintiffs' Statement of Damages filed  
12 February 3, 2020.

13 Plaintiffs shall also have judgment against Defendant Rodriguez, in the  
14 amount of \$960,401, comprised of principal in the amount of \$574,000, interest in  
15 the amount of \$164,770 and attorney's fees in the amount of \$221,631 as set forth in  
16 Plaintiffs' filed February 22, 2020 Statement of Damages.

17 Dated this 20th day of August, 2020

18 IT IS SO ORDERED:

19 Dated this \_\_\_\_\_th day of August, 2020

20   
21 Hon. Cristina Silva  
District Court Judge

22 Submitted by: /s/ David Liebrader  
23 David Liebrader, Esq.  
24 Attorney for Plaintiff

EA8 6C4 A36C 74A0  
Cristina D. Silva  
District Court Judge

EC

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, 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 Judgment 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: 8/20/2020

15 Harold Gewerter

harold@gewerterlaw.com

16 T. Louis Palazzo, Esq.

louis@palazzolawfirm.com

17 Celina Moore

celina@palazzolawfirm.com

18 Miriam Roberts

miriam@palazzolawfirm.com

19 David Liebrader, Esq.

dliebrader@gmail.com

20 David Liebrader

DaveL@investmentloss.com

21 Vernon Rodriquez

harold@gewerterlaw.com

22 Scott Fleming

scott@fleminglawlv.com  
23  
24  
25  
26  
27  
28

1 DAVID LIEBRADER, ESQ.  
STATE BAR NO. 5048  
2 THE LAW OFFICES OF DAVID LIEBRADER, APC  
3960 HOWARD HUGHES PARKWAY STE 500  
3 LAS VEGAS, NV 89169  
PH: (702) 380-3131  
4 Attorney for Plaintiff

5 DISTRICT COURT  
CLARK COUNTY, NEVADA

7 IN THE MATTER BETWEEN ) Case No. A-17-762264-C  
)  
8 Steven A. Hotchkiss, ) Dept.: ~~8~~ IX  
)  
9 PLAINTIFF, )  
v. ) CONSOLIDATED WITH  
)  
10 Ronald J. Robinson, Vernon Rodriguez, Frank ) Case No. A-17-763003-C  
11 Yoder, Alisa Davis and DOES 1-10 and ROES 1-  
10, inclusively )

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13 DEFENDANTS )  
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v. )  
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18 Communications Corporation, Frank Yoder, Alisa )  
19 Davis and DOES 1-10 and ROES 1-10, inclusively )

20 DEFENDANTS )  
\_\_\_\_\_)  
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16 Plaintiffs' filed February 22, 2020 Statement of Damages.

17 Dated this 21st day of August, 2020

18 IT IS SO ORDERED:

19 Dated this \_\_\_\_\_th day of August, 2020

20   
21 Hon. Cristina Silva  
22 District Court Judge  
23 Cristina D. Silva  
24 District Court Judge

25 Submitted by: /s/ David Liebrader  
26 David Liebrader, Esq.  
Attorney for Plaintiff

EC

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, Defendant(s)  
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18 Miriam Roberts

miriam@palazzolawfirm.com

19 David Liebrader, Esq.

dliebrader@gmail.com

20 David Liebrader

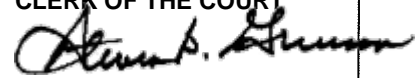
DaveL@investmentloss.com

21 Vernon Rodriquez

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22 Scott Fleming

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DAVID LIEBRADER, ESQ.  
STATE BAR NO. 5048  
THE LAW OFFICES OF DAVID LIEBRADER, APC  
3960 HOWARD HUGHES PARKWAY STE 500  
LAS VEGAS, NV 89169  
PH: (702) 380-3131  
Attorney for Plaintiffs

DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE MATTER BETWEEN	)	Case No. A-17-762264-C
	)	
Steven A. Hotchkiss,	)	Dept.: 9
	)	
PLAINTIFF,	)	NOTICE OF ENTRY OF
	)	JUDGMENT
v.	)	
	)	
Ronald J. Robinson, Vernon Rodriguez, Frank	)	
Yoder, Alisa Davis and DOES 1-10 and ROES 1-	)	
10, inclusively	)	
	)	
DEFENDANTS	)	CONSOLIDATED WITH
	)	
	)	Case No. A-17-763003-C
Anthony White, Robin Suntheimer, Troy	)	
Suntheimer, Stephens Ghesquiere, Jackie Stone,	)	
Gayle Chany, Kendall Smith, Gabriele	)	
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PLAINTIFFS	)	
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v.	)	
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Ronald J. Robinson, Vernon Rodriguez, Virtual	)	
Communications Corporation, Frank Yoder, Alisa	)	
Davis and DOES 1-10 and ROES 1-10, inclusively	)	
	)	
	)	
	)	

TO THE COURT, ALL PARTIES AND INTERESTED PERSONS: Please take notice that  
the Court's **Judgment** was filed with the Clerk on August 21, 2020. See attached.

1 Dated: August 21, 2020

Respectfully submitted,

2 The Law Office of David Liebrader, Inc.

3 By: 

David Liebrader

4 Attorney for Plaintiff

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CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 2020, I mailed a copy of the foregoing

**NOTICE OF ENTRY OF ORDER**

to the following

Harold Gewerter, Esq.  
Gewerter Law Firm  
1212 Casino Center Boulevard  
Las Vegas, NV 89104

Scott Fleming, Esq.  
Fleming Law  
9525 Hillwood Dr. Ste. 140  
Las Vegas, NV 89134

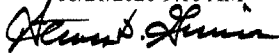
/s/: Dianne Bresnahan

---

An Employee of The Law Office of David Liebrader



**EXHIBIT “A”**

  
CLERK OF THE COURT

1 DAVID LIEBRADER, ESQ.  
2 STATE BAR NO. 5048  
3 THE LAW OFFICES OF DAVID LIEBRADER, APC  
4 3960 HOWARD HUGHES PARKWAY STE 500  
5 LAS VEGAS, NV 89169  
6 PH: (702) 380-3131  
7 Attorney for Plaintiff

8  
9  
10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 IN THE MATTER BETWEEN ) Case No. A-17-762264-C  
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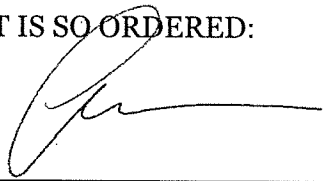
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15 the amount of \$164,770 and attorney's fees in the amount of \$221,631 as set forth in  
16 Plaintiffs' filed February 22, 2020 Statement of Damages.

17 Dated this 21st day of August, 2020

18 IT IS SO ORDERED:

19 Dated this \_\_\_\_\_th day of August, 2020

  
\_\_\_\_\_  
20 Hon. Cristina Silva  
21 District Court Judge  
22 Cristina D. Silva  
District Court Judge

22 Submitted by: /s/ David Liebrader  
23 David Liebrader, Esq.  
24 Attorney for Plaintiff

EC

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Steven Hotchkiss, Plaintiff(s)

CASE NO: A-17-762264-C

7 vs.

DEPT. NO. Department 9

8 Ronald Robinson, Defendant(s)  
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12 Court. The foregoing Judgment was served via the court's electronic eFile system to all  
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14 Service Date: 8/21/2020

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21 Vernon Rodriquez

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**November 13, 2017**

---

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

---

<b>November 13, 2017</b>	<b>3:00 AM</b>	<b>Motion to Withdraw as Counsel</b>	<b>Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Motion to Withdraw as Counsel for Vernon Rodriguez on Order Shortening Time came before the Court on the November 13, 2017, Chambers Calendar. Having reviewed the Motion and there being No Opposition thereto, COURT ORDERED, the Motion is GRANTED.

CLERK'S NOTE: the Order Granting Motion to Withdraw as Counsel of Record was filed on November 15, 2017.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**May 01, 2018**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

---

**May 01, 2018                      9:30 AM                      Discovery Conference**

**HEARD BY:** Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney

**JOURNAL ENTRIES**

- Not all parties were participatory in the JCCR filed. A supplemental JCCR was filed 4-30-18. No courtesy copy provided to Commissioner. Discovery cutoff is 1-10-19; adding parties, amended pleadings, and initial expert disclosures due 10-23-18; rebuttal expert disclosures due 11-10-18; dates do not work with the Rule. Colloquy. Counsel anticipate 5 days for trial re: Fraud; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 2-11-19; adding parties and amended pleadings DUE 10-23-18; initial expert disclosures DUE 11-9-18; rebuttal expert disclosures DUE 12-10-18; file dispositive motions by 3-8-19. Scheduling Order will issue.

MATTER RECALLED: Louis Palazzo, Esquire, present. Commissioner provided the outcome to Mr. Palazzo.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**December 03, 2018**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s) vs. Ronald Robinson, Defendant(s)
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December 03, 2018	3:00 AM	Motion	Plaintiff's Motion for Summary Adjudication of Issues
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff s Motion for Summary Adjudication of Issues came before the Court on its December 3, 2018, Chamber Calendar. The Court reviewed the Motion, the Oppositions, and the Reply thereto, and has determined that oral argument on the matter would assist the Court in its decision, Therefore, COURT ORDERED, matter CONTINUED to this Court's Oral Calendar.

CONTINUED TO: 01/22/19 8:00 AM

CLERK'S NOTE: A copy of this minute order was placed in the attorney folders of David Liebrader, Esq., (The Law Offices of David Liebrader, APC) and T. Louis Palazzo, Esq., (Palazzo Law Firm).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****January 22, 2019**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

<b>January 22, 2019</b>	<b>8:00 AM</b>	<b>Motion</b>	<b>Plaintiff's Motion for Summary Adjudication of Issues</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

<b>PRESENT:</b>	Liebrader, David	Attorney
	Palazzo, T. Louis	Attorney

**JOURNAL ENTRIES**

- This is the time set for hearing on Plaintiff s Motion for Summary Adjudication of Issues. Court called case; Mr. Liebrader is present telephonically and Mr. Palazzo is present in person; counsel is waiting on Harold Gewerter, Esq., to appear. Court trailed matter.

**MATTER RECALLED:** All present as before. Court noted that since Mr. Gewerter is still not present, the Court can do one of two things, it can rule from the pleadings or pass it a week. Neither the Court nor Mr. Palazzo know anything about Mr. Gewerter's whereabouts.

Mr. Liebrader advised that he does not have anything to add, there are only two issues and they are appropriately discussed in this Motion and Reply; he submitted on the pleadings. Mr. Palazzo **CONCURRED** and submitted the matter also. Court advised that if it were to rule on the pleadings, it appears that the security note in question is not subject to NRS 90.295; Mr. Gewerter would need to



prepare the Order. Colloquy as to whether the Court's ruling was tentative; Mr. Liebrader would like to argue this matter. COURT ORDERED, matter CONTINUED; Mr. Liebrader requested to appear telephonically again.

CONTINUED TO: 01/29/19 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****January 29, 2019**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

<b>January 29, 2019</b>	<b>8:00 AM</b>	<b>Motion</b>	<b>Plaintiff's Motion for Summary Adjudication of Issues</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Palazzo, T. Louis	Attorney

**JOURNAL ENTRIES**

- Mr. Liebrader is appearing telephonically.

This is the time set for hearing on Plaintiff's Motion for Summary Adjudication of Issues. Plaintiff is an investor in a promissory note issued by Defendant, Virtual Communication Corporation (VCC); he invested \$75,000 into the note and in exchange for his investment, he was to receive 9 percent interest until the note was paid off.

Mr. Liebrader advised that the investment purchased by the Plaintiff is a security; VCC themselves referred to the investment as a security. A security is simply defined as a "note" and this was a promissory note. Judge Williams recently tried a case on the same promissory note and Plaintiff was given summary adjudication on this same issue; that the promissory note is a security and was not

exempt from registration. Additionally, the security was neither registered nor exempt from registration. VCC needed to register the note prior to offering it for sale or file a request for exemption, they did neither. Under NRS 90.690, Defendants have the burden of claiming which exemptions apply and to prove that they apply; they have not done that. Since there are no genuine issues of material fact, the Motion should be granted.

Mr. Gewerter advised that the VCC's promissory note was not a security and since it was not a security, it was exempt from registration for the reasons stated on the record. Mr. Gewerter discussed Exhibit 1 to his Opposition. The holder of the Promissory Note is Provident Trust Group, LLC, not the Plaintiff. This is a trust account and under a trust account you must have the trustee bring the action; therefore, the Plaintiff has no standing to allege anything in this case.

Mr. Palazzo advised that last time the parties were present, the Court indicated its inclination; i.e., the Court did not find this to be a security and Mr. Palazzo believes that is an appropriate impression for the reasons stated on the record. COURT ORDERED, decision DEFERRED; the Court would like to review this matter further before making a decision.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**February 25, 2019**

---

A-17-762264-C	Steven Hotchkiss, Plaintiff(s) vs. Ronald Robinson, Defendant(s)
---------------	--

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February 25, 2019	8:00 AM	Decision	Plaintiff's Motion for Summary Adjudication of Issues
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court heard oral argument on Plaintiff's Motion for Summary Adjudication of Issues on January 29, 2019, but DEFERRED its ruling.

The Court's ruling is as set forth in the Order Denying Plaintiff's Motion for Summary Adjudication of Issues filed on February 25, 2019.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Commercial Instrument

# COURT MINUTES

**April 09, 2019**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

**April 09, 2019                      9:00 AM                      All Pending Motions**

**HEARD BY:** Cherry, Michael A.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Palazzo, T. Louis	Attorney

## JOURNAL ENTRIES

- CALENDAR CALL . . . DEFENDANTS RETIRE HAPPY, LLC, AND JOSH STOLL'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT ON ORDER SHORTENING TIME

This is the time set for Calendar Call; Mr. Palazzo has filed a Motion for Determination of Good Faith Settlement on Order Shortening Time. Court noted there is no opposition to the Motion and, therefore, ORDERED, the Motion is GRANTED. Mr. Palazzo to submit an Order.

Colloquy as to what parties remain in the case; Mr. Gewerter advised that Viral Communication went into bankruptcy; Wintech was their subsidiary so they are not part of this case anymore. Mr. Gewerter represents, Defendants Ronald J. Robinson, Vern Rodriguez, and Alisa Davis and Mr. Liebrader represents the Plaintiff, Steven Hotchkiss.

Upon Court's inquiry as to whether counsel were ready for trial; Mr. Liebrader advised there are two issues in the case; one is the action to recover money under a promissory note and the other has to do

with securities' law issues. Mr. Gewerter advised that there is a pending motion; he filed a Partial Motion to Dismiss but Master Calendar calendared it after the trial start date. Both counsel requested that this matter be placed on the September stack. COURT ORDERED, trial date VACATED and RESET.

08/27/19 8:00 AM CALENDAR CALL

09/09/19 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****April 23, 2019**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

**April 23, 2019      9:00 AM      Motion to Dismiss      Defendants' Partial  
Motion to Dismiss**

**HEARD BY:** Cherry, Michael A.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

**PRESENT:**      Gewerter, Harold P.      Attorney  
Liebrader, David      Attorney  
Palazzo, T. Louis      Attorney

**JOURNAL ENTRIES**

- This is the time set for hearing on Defendants Motion to Dismiss. Mr. Gewerter advised that Defendants are seeking to dismiss all of Plaintiff's security related claims. This Court previously ruled that the notes or the investments in this particular case were not a security so the securities remedies pursuant to NRS 90.460 cannot be pursued. Therefore, Mr. Gewerter would request that Causes of Action Nos. 1, 2, and 3 be dismissed.

Mr. Liebrader believes that Mr. Gewerter has misstated Judge Smith's ruling. Plaintiff filed a Motion for Partial Summary Judgment on the issue of whether or not the note was a security and Judge Smith found that a reasonable trier of fact could make the determination as to whether it was a security or not so Summary Judgment was not granted.

Mr. Gewerter advised the Court of the Order Denying Plaintiff's Motion for Summary Adjudicated which was heard on January 29, 2019; the Order says, "The remaining issue upon which Plaintiff

seeks summary adjudication (whether the VCC note was sold in violation of NRS 90.460) is moot, as it relies on this Court's granting of summary adjudication on the issue of whether the VCC note was a security." Therefore, Mr. Gewerter believes that the Court found that the note was not a security so there can be no securities remedy. The other Causes of Action may go forward but the securities actions are gone. COURT ORDERED, the Motion is DENIED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**August 27, 2019**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

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**August 27, 2019      8:30 AM      Calendar Call**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney

**JOURNAL ENTRIES**

- This is the time set for Calendar Call. Court noted that it received a Pretrial Memorandum; colloquy as to whether counsel were ready for trial. Mr. Liebrader advised that a Settlement Conference has been scheduled for tomorrow (August 28) before Judge Wiese.

Mr. Gewerter advised that he is not ready; this case was recently consolidated and he needs to file some motions. Counsel spoke this morning and Mr. Gewerter does not believe Mr. Liebradar has any objection to continuing the trial. Colloquy regarding scheduling issues. COURT ORDERED, trial date VACATED and RESET.

01/28/20 8:30 AM CALENDAR CALL

02/10/20 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****August 28, 2019**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

**August 28, 2019      1:30 PM      Settlement Conference**

**HEARD BY:** Wiese, Jerry A.      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Lauren Kidd

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Davis, Alisa	Defendant
	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant
	Rodriquez, Vernon	Defendant

**JOURNAL ENTRIES**

- The above-referenced matter came on for a settlement conference with Judge Jerry Wiese on Wednesday, August 28, 2019. The Plaintiffs participated by telephone, and were represented by David Liebrader, Esq., who has settlement authority for his clients. The Defendants, Ronald Robinson, Vernon Rodriguez, and Alisa Davis, were present with their attorney, Harold Gewerter, Esq. It appeared that the case would settle, but at the last minute Mr. Robinson indicated that he wanted to think about the settlement for a while. The Plaintiffs agreed to leave their last offer open for a week. The Court believes that there is a likelihood that the case will settle, but for now, the case is not settled, and will be referred back to the originating department for further handling.

CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: David Liebrader, Esq.(via facsimile: 702-583-4227) and Harold Gewerter, Esq. (via facsimile:702-382-

1759).//8/30/19lk

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**January 28, 2020**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

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**January 28, 2020      8:30 AM      Calendar Call**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney

**JOURNAL ENTRIES**

- This is the time set for Calendar Call. Counsel noted that they are ready for trial. Colloquy regarding scheduling issues; the trial is expected to take two (2) to three (3) days.

Mr. Gerwerter advised that a companion case was tried last year; there will only be a couple of witnesses and argument. COURT ORDERED, matter set for trial.

02/24/20 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**February 24, 2020**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

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**February 24, 2020      9:30 AM      Bench Trial**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Hotchkiss, Steven A	Plaintiff
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant
	Rodriquez, Vernon	Defendant

**JOURNAL ENTRIES**

- Also present: Alisa Davis.

11:05 a.m. Bench Trial commenced. Mr. Gewerter advised that the parties have stipulated to some evidence coming in, several documents have already been stipulated to; they were named for the record. Colloquy as to whether the Court would be hearing live testimony; Mr. Liebrader advised that the stipulation was that they may call witnesses it did not say that they could not; Mr. Rodriguez is present this morning and would like to testify. Mr. Gewerter believes the documents speak for themselves, there is no need for live testimony. Court advised that it would allow limited testimony.

Opening statements by Mr. Liebrader and Mr. Gewerter.

Testimony and exhibits presented (see worksheets). Following the testimony of Ms. Davis, Mr. Liebrader orally moved to DISMISS the action against her, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED.

4:40 p.m. Court ADJOURNED, COURT ORDERED, Bench Trial CONTINUED.

CONTINUED TO: 02/25/20 11:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****February 25, 2020**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
                                  vs.  
                                  Ronald Robinson, Defendant(s)

**February 25, 2020      11:00 AM      Bench Trial**

**HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Robinson, Ronald J	Defendant
		Cross Defendant

**JOURNAL ENTRIES**

- 11:05 a.m. Bench Trial resumed. Testimony and exhibits presented (see worksheets). Following the testimony of Mr. Yoder, Mr. Liebrader orally moved to DISMISS the action against him, with prejudice. There being no opposition by Mr. Gewerter, COURT ORDERED, the Motion is GRANTED. Both the Plaintiff and the Defendant rest.

Court advised that there were a few issues raised in the Defendant's Pretrial Memorandum which the Court would like to address. First is the Motion to Dismiss for Failure to Name Indispensable Party. COURT ORDERED, the Motion is DENIED. Second, is the Discharge of Mr. Robinson from his Personal Guarantee, which was extinguished by the bankruptcy discharge. Arguments by counsel. The Court discussed Donnell vs. Perpetual Investment, Inc., and Ronald Rippe, Individually, it is an unpublished decision but the Court believes it is persuasive. The Court directed counsel to submit their closing arguments in writing; the closing briefs are to be submitted simultaneously, with no more than ten (10) pages, and shall be submitted within the next thirty (30) days (March 22).

Additionally, counsel should address the aforementioned case in their closing briefs. COURT ORDERED, decision DEFERRED; the matter will be placed on this Court's Chamber Calendar for decision.

12:53 p.m. Court ADJOURNED.

COURT ORDERED, decision DEFERRED

04/20/20 CHAMBER CALENDAR DECISION



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**April 20, 2020**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s) vs. Ronald Robinson, Defendant(s)
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**April 20, 2020**

**3:00 AM**

**Decision**

**Bench Trial**

**HEARD BY:** Silva, Cristina D.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Bench Trial in this matter came before this Court on February 24, and 25, 2020. At the conclusion of the trial, the Court directed counsel to submit supplemental briefing and their written closing arguments.

The Court's ruling is as set forth in the Decision filed on April 27, 2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument****COURT MINUTES****June 08, 2020**

A-17-762264-C      Steven Hotchkiss, Plaintiff(s)  
vs.  
Ronald Robinson, Defendant(s)

<b>June 08, 2020</b>	<b>3:00 AM</b>	<b>Motion for Attorney Fees</b>	<b>Plaintiff's Motion for Damages and Attorney's Fees</b>
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**HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiff's Motion for Damages and Attorney s Fees came before the Court on its June 8, 2020, Chamber Calendar. Having considered the moving papers, and for the reasons set forth in Plaintiff's Motion, the Court hereby GRANTS the Motion.

In its opposition to the motion, Defendants argue that they intend to raise the issue of the affirmative defense for failure to join a necessary party on appeal. While Defendants did elicit some testimony about Provident Trust and its role in this litigation, Defendants did not argue this affirmative defense during the trial, nor did they move for a directed verdict. The Court notes that a party that has not moved for a directed verdict below generally may not later challenge the sufficiency of the evidence on appeal, but an appellate court may review for plain error or manifest injustice. Price v. Sinnott, 85 Nev. 600, 607, 460 P.2d 837, 841 (1969).

In reaching its decision on Attorney's Fees, the Court evaluated the factors set forth in Brunzell v. Golden Gate Nat l Bank, 85 Nev. 345, 455 P.2d 31 (1969), including:(1) the qualities of the attorney, the

attorney's ability, his training, education, experience, professional standing and skill; (2) the difficulty and character of the work to be done, including the time necessary to complete the task; (3) the work actually performed by the lawyer; and (4) the result of the work performed. The Plaintiff's Motion sets forth how these factors are met, and therefore Attorney's Fees are appropriate.

The parties shall meet and confer and submit for review a draft of Findings of Facts and Conclusions of Law to DC9Inbox@clarkcountycourts.us, which includes electronic signatures and is consistent with this Order.

CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Odyssey eFileNV system.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**July 23, 2020**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s) vs. Ronald Robinson, Defendant(s)
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<b>July 23, 2020</b>	<b>3:00 AM</b>	<b>Motion For Reconsideration</b>
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**HEARD BY:** Silva, Cristina D.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pending before the Court is Defendant Vernon Rodriguez s Motion for Reconsideration. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsiderations are reserved for very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached. Moore v. City of Las Vegas, 92 Nev. 402, 405 (1976). Having reviewed the motion and the opposition thereto, the Court finds Defendant Rodriguez has not met the standard for reconsideration. As a result, the Motion is DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**October 27, 2020**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

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**October 27, 2020      9:00 AM      All Pending Motions**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fleming, Scott D	Attorney
	Gewerter, Harold P.	Attorney
	Liebrader, David	Attorney
	Rodriquez, Vernon	Defendant

**JOURNAL ENTRIES**

- David Liebrader, Esq. and Harold Gewerter, Esq. present via Bluejeans video conference.

FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL...

Arguments by counsel regarding NRS 90.660. Following arguments, the Court advised it would need parties to brief the matter due to parties indicating there was case law and jurisdiction. COURT

DIRECTED Mr. Fleming to file an Opposition. COURT ORDERED the following Briefing Schedule: Mr. Fleming to file Opposition Brief by November 24, 2020, Mr. Liebrader to file reply by December 22, 2020, and matter CONTINUED for Argument; FURTHER ORDERED, Second Post-Judgment Motion by Defendant Vernon Rodriguez for a New Trial, Or in the Alternative, Further Action After a Nonjury Trial Pursuant to Nev. R. Civ. p. 59(a) and Third Post-Judgment Motion by Defendant Vernon Rodriguez for Stays Pending Disposition of Post-Judgment Motions and Appeal STAYED. Court DIRECTED both Deft.'s not to transfer, dispose, remove or conceal any assets. Court advised any request to do so would need to come before the court; everyday expenses that needed to be paid before judgement would be fine to continue to pay.

01/19/2021 9:00 AM ARGUMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**March 09, 2021**

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A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

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**March 09, 2021      9:30 AM      Argument**

**HEARD BY:** Lilly-Spells, Jasmin      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Andrea Natali

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fleming, Scott D	Attorney
	Liebrader, David	Attorney
	Rodriquez, Vernon	Defendant

**JOURNAL ENTRIES**

- ARGUMENT: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) ... SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) ... THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL

Argument by Mr. Fleming in suport of the motions. Argument by Mr. Liebrader in opposition to the motions. COURT ORDERED, matters CONTINUED for Decision as it wantd to go back and look at everything, no additional arguments or briefing was needed; however, it may have additonal questions.

3/23/21 - 9:30 AM - DECISION: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B) ... SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A) ... THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Commercial Instrument**

**COURT MINUTES**

**April 27, 2021**

---

A-17-762264-C	Steven Hotchkiss, Plaintiff(s)
	vs.
	Ronald Robinson, Defendant(s)

---

**April 27, 2021                      9:30 AM                      All Pending Motions**

**HEARD BY:** Lilly-Spells, Jasmin                      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bohn, Michael F	Attorney
	Fleming, Scott D	Attorney
	Liebrader, David	Attorney
	Rodriquez, Vernon	Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Adam Trippiedi, Esq. present on behalf of Michael Bohn, Esq., for Defendant Robinson.

**DEFENDANT'S MOTION TO RULE 54(B) DETERMINATION**

Following arguments by Mr. Liebrader and Mr. Bohn, COURT ORDERED, motion GRANTED. COURT FURTHER ORDERED an Order to Show Cause will ISSUE as to why the cross claim should not be dismissed; record is unclear as there are no documents filed showing settlement or requesting the individuals be dismissed. Court noted motion was unopposed and DIRECTED Mr. Bohn to submit an order for signature. Court Advised it reviewed the record further and it appears an order granting a good faith settlement for all claims and dismissing all causes with prejudice was filed on May 20, 2019, and noted it believes there is no need for an Order to Show Cause. Mr. Bohn agreed, therefore, COURT ORDERED, order to show cause VACATED.

DECISION: FIRST POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO AMEND JUDGMENT PURSUANT TO NEV. R. CIV. P. 52(B), OR IN THE ALTERNATIVE, FOR FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(B)

COURT STATED ITS FINDINGS and ORDERED motion DENIED. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days.

DECISION: SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A)

COURT STATED ITS FINDINGS and ORDERED further briefing allowed regarding whether the issue deserves an Evidentiary Hearing. Court noted it is not inclined to reopen and further the trial, however, it will allow further briefing as to whether the Court has jurisdiction to grant an Evidentiary Hearing and whether it is warranted. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days. COURT ADDITIONALLY ORDERED, briefing schedule as to the Second Post Judgment Motion SET as follows:

Briefing DUE by May 27, 2021  
Opposition DUE by June 26, 2021  
Reply DUE by July 6, 2021

DECISION: THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL

Upon Court's inquiry, Mr. Fleming requested supplemental briefing also be allowed regarding the third post judgment motion and request for stay as to address all of the elements described by Court. Following arguments by Mr. Liebrader and Mr. Fleming, COURT STATED ITS FINDINGS and ORDERED, motion DENIED WITHOUT PREJUDICE; the Court does not have enough information to address the request at this time. Mr. Liebrader DIRECTED to prepare the order, allow Defendant's counsel to review, and submit it to the Court for signature within 14 days. Upon Mr. Liebrader's inquiry, COURT clarified Mr. Liebrader to prepare the orders for the first, second and third post judgment motions and Mr. Bohn to prepare the order for the Rule 54b motion; counsel to review orders before submitting them for signature to the Court in both Word and PDF formats within 14 days. Court noted there was no briefing schedule for the third post judgment motion, however, Advised if parties were inclined to file additional briefing the Court would prefer to hear all matters on the same date. Upon Mr. Liebrader's further inquiry, COURT ALSO ORDERED the STAY REMAINS until the resolution of this matter; the transferring, disposing, hiding, or maneuvering of

assets is not allowed by Mr. Rodriguez. Mr. Liebrader DIRECTED to include that in the order.

07-20-2021 09:30 AM DECISION: SECOND POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FURTHER ACTION AFTER A NONJURY TRIAL PURSUANT TO NEV. R. CIV. P. 59(A)...THIRD POST-JUDGMENT MOTION BY DEFENDANT VERNON RODRIGUEZ FOR STAYS PENDING DISPOSITION OF POST-JUDGMENT MOTIONS AND APPEAL

1 DAVID LIEBRADER, ESQ.  
2 STATE BAR NO. 5048  
3 THE LAW OFFICES OF DAVID LIEBRADER, APC  
4 601 S. RANCHO DR. STE. D-29  
5 LAS VEGAS, NV 89106  
6 PH: (702) 380-3131  
7 Attorney for Plaintiffs

8  
9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA  
11

12 IN THE MATTER BETWEEN )

Case No. A-17-762264-C

13 Steven A. Hotchkiss, )

Dept.: 8

14 PLAINTIFF, )

TRIAL EXHIBITS

15 v. )

16 Ronald J. Robinson, Vernon Rodriguez, Frank )  
17 Yoder, Alisa Davis and DOES 1-10 and ROES 1- )  
18 10, inclusively )

CONSOLIDATED WITH

19 DEFENDANTS )

Case No. A-17-763003-C

20 Anthony White, Robin Suntheimer, Troy )  
21 Suntheimer, Stephens Ghesquiere, Jackie Stone, )  
22 Gayle Chany, Kendall Smith, Gabriele )  
23 Lavermicocca and Robert Kaiser )

24 PLAINTIFFS )

25 v. )

26 Ronald J. Robinson, Vernon Rodriguez, Virtual )  
Communications Corporation, Frank Yoder, Alisa )  
Davis and DOES 1-10 and ROES 1-10, inclusively )

EXHIBIT LIST

Number	Description	Date	Objection	Date
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JT, P, D		Offered		Admitted	
1	1	Plaintiffs' promissory notes and demand letters; Hotchkiss Trial Exhibits 001-040.	2/24/20	no	2/24/20 wa
2	2	Email communications between Julie Minuskin and Ronald Robinson/Net worth Statement, VCC Retire Happy contract VCC RJ Robinson Agreement; Hotchkiss Trial Exhibits 041- 048	2/24/20	Stip	2/24/20 wa
3	3	Email communications Hotchkiss and VCC . Hotchkiss Trial Exhibits 049-056.	2/24/20	no	2/24/20 wa
4	4	Emails and Power Point Presentation 1.3 between Frank Yoder, Julie Minuskin and Ronald Robinson; Hotchkiss Trial Exhibits 057-075.	2/24/20	Stip	2/24/20 wa
5	5	Email communications between Alisa Davis and Julie Minuskin re: Robinson's initials and signature; Hotchkiss Trial Exhibits 076-083.	2/24/20	Stip	2/24/20 wa
6	6	Email communications between Alisa Davis and Julie Minuskin re: updated power point presentation and prom note; Hotchkiss Trial Exhibits 086-106.	2/24/20	Stip	2/24/20 wa
7	7	Updated VCC PowerPoint presentation; Hotchkiss Trial Exhibits 084-085; 107-122	2/24/20	Stip	2/24/20 wa
8	8	VCC Investor List with interest payment information Hotchkiss Trial Exhibits 0123-132.	2/25/20	no	2/25/20 wa
9	9	Frank Yoder VCC/Wintech Board Information Hotchkiss Trial Exhibits 0350-0356	2/25/20	Stip	2/25/20 wa
10	10	Alisa Davis Affidavit; Hotchkiss Trial Exhibits 133-134.	2/24/20	Stip	2/24/20 wa
11	11	Nevada Secretary of State certificate of absence of record/ list of officers filed with NV SOS; Hotchkiss Trial Exhibits 135-152.	2/24/20	Stip	2/24/20 wa

12	VCC financial statements dated September 30, 2014; Hotchkiss Trial Exhibits 153-164.	2/24/20	Stip	2/24/20	WA
13	VCC Private Placement Memorandum dated February 22, 2016; Hotchkiss Trial Exhibits 165-207.	2/24/20	Stip	2/24/20	WA
14	VCC Preliminary Offering Circular dated August 17, 2015; Hotchkiss Trial Exhibits 208-316	2/24/20	Stip	2/24/20	WA
15	Judgment, Waldo v. Robinson; Complaint for forfeiture, stipulation and order in case A-09-596643-C/ Pleadings from <u>Minuskin adv. Robinson</u> filed in EJDC; Hotchkiss Trial Exhibits 317-349	2/25/20	Stip	2/25/20	WA
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Dated: February 23, 2020

Respectfully submitted,

The Law Office of David Liebrader, Inc.

By:/s/ David Liebrader

David Liebrader

Attorney for Plaintiffs



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

**MICHAEL F. BOHN, ESQ.**  
**2260 CORPORATE CIRCLE, STE 480**  
**HENDERSON, NV 89074**

**DATE: July 19, 2021**  
**CASE: A-17-762264-C**  
**C/W A-17-763003-C**

**RE CASE:** STEVEN A. HOTCHKISS vs. RONALD J. ROBINSON; VERNON RODRIGUEZ; VIRTUAL COMMUNICATIONS CORPORATION; WINTECH, LLC; RETURE HAPPY, LLC; JOSH STOLL; FRANK YODER; ALISA DAVIS

NOTICE OF APPEAL FILED: July 15, 2021

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

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

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order (*for Judgment filed 08/20/2021*)

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON MOTION FOR DAMAGES AND ATTORNEY'S FEES; NOTICE OF ENTRY OF ORDER; JUDGMENT; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STEVEN A. HOTCHKISS,

Plaintiff(s),

vs.

RONALD J. ROBINSON; VERNON  
RODRIGUEZ; VIRTUAL  
COMMUNITICATIONS CORPORATION;  
WINTech, LLC; RETURE HAPPY, LLC;  
JOSH STOLL; FRANK YODER; ALISA  
DAVIS,

Defendant(s),

Case No: A-17-762264-C

*Consolidated with A-17-763003-C*

Dept No: XXIII

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 19 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk