



Electronically Filed
Mar 11 2022 09:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ASTA

Mark A. Hutchison (4639)
Todd W. Prall (9154)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Tel: (702) 385-2500
Fax: (702) 385-2086
mhutchison@hutchlegal.com
tpall@hutchlegal.com

*Attorneys for Third-Party Plaintiffs David Mahon;
Intellectual Properties, Holding, LLC; Full Color
Games, LLC; Full Color Games, N.A., Inc.;
Full Color Games Group, Inc.; Jackpot
Productions, LLC; and Full Color Games, Inc.*

Jeffrey Hulet (10621)
Hogan Hulet PLLC
1140 N. Town Center Dr., Suite 300
Las Vegas, Nevada 89144
Tel: (702) 800-5482 ex. 101
jeff@h2legal.com

Attorneys for Full Color Games, Inc.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In re: FULL COLOR GAMES, INC.

Case No. A-17-759862-B
Dept. No. 13

CASE APPEAL STATEMENT

MARK MUNGER, an individual; DAVID'S
HARD WORK TRUST LTD. 3/26/2012, a
California Trust; MOORE FAMILY TRUST, a
California Trust; MILLENIUM TRUST
COMPANY, LLC CUSTODIAN FBO GARY
SOLSO, IRA, a California Trust; JEFFREY
CASTALDO; an individual; MARA H.
BRAZER, as Trustee for the MARA H.
BRAZER TRUST UTA 2/12/2004, a California
Trust; individually and as shareholders of FULL
COLOR GAMES, INC.; DOES 1 through 10;
and ROE CORPORATIONS 1 through 10,
inclusive,

Plaintiffs,

vs.

DAVID MAHON, an individual; GLEN
HOWARD, an individual; INTELLECTUAL

1 PROPERTIES HOLDING, LLC, a Nevada
2 limited liability company; INTELLECTUAL
3 PROPERTY HOLDINGS, LTD., an Isle of Man
4 corporation; FULL COLOR GAMES,
5 LLC, a Nevada limited liability company;
6 FULL COLOR GAMES, LTD., an Isle of Man
7 corporation; FULL COLOR GAMES, N.A.,
8 INC., a Nevada corporation; FULL COLOR
9 GAMES GROUP, INC., a Nevada corporation;
10 JACKPOT PRODUCTION, LLC, a Nevada
11 limited liability company; Nominal Defendant
12 FULL COLOR GAMES, INC., a Nevada
13 corporation; DOES I through X; and ROE
14 CORPORATIONS I through X,

15 Defendants.

16 INTELLECTUAL PROPERTIES HOLDINGS,
17 LLC, a Nevada limited liability company; FULL
18 COLOR GAMES, N.A., INC., a Nevada
19 corporation; JACKPOT PRODUCTIONS, LLC,
20 a Nevada limited liability company, and FULL
21 COLOR GAMES, INC., a Nevada corporation,

22 Counter-claimants,

23 vs.

24 MARK MUNGER, an individual; DAVID'S
25 HARD WORK TRUST LTD. 3/26/2012, a
26 California Trust; MOORE FAMILY TRUST, a
27 California Trust; MILLENNIUM TRUST
28 COMPANY, LLC, CUSTODIAN FBO GARY
SOLSO, IRA, a California Trust; JEFFREY
CASTALDO; an individual; DOES I through V;
and ROE CORPORATIONS I through V,

Counter-defendants.

FULL COLOR GAMES, INC., a Nevada
corporation; INTELLECTUAL PROPERTIES
HOLDINGS, LLC, a Nevada limited liability
company; FULL COLOR GAMES, N.A., INC.,
a Nevada corporation; JACKPOT
PRODUCTIONS, LLC, a Nevada limited
liability company, and DAVID MAHON, an
individual,

Third-Party Plaintiffs,

v.

VALCROS, LLC, a Nevada limited liability

1 company; G. BRADFORD SOLSO, an
2 individual; DAVID ECKLES, an individual;
3 TERESA MOORE, an individual; LARRY
4 MOORE, an individual; B.L. MOORE
5 CONSTRUCTION INC., a California
6 corporation; BRIAN MARCUS, and individual;
7 JOHN BROCK III, an individual;; JOHN
8 BROCK IV an individual; MUNGER &
9 ASSOCIATES, INC., a Nevada Corporation;
10 SPIN GAMES, LLC, a Nevada limited liability
11 company; KENT YOUNG, an individual;
12 KUNAL MISHRA, an individual; BRAGG
13 GAMING GROUP, INC., a Canadian
14 corporation; ORYX GAMING
15 INTERNATIONAL, LLC, a Delaware limited
16 liability company; ADAM ARVIV, an
17 individual; YANIV SPIELBERG, an individual;
18 LEGACY EIGHT, LLC, a Florida limited
19 liability company; LEGACY EIGHT LTD, a
Bahamas international business company;
LEGACY EIGHT CURACAO N.V., a Curacao
company; LEGACY EIGHT GROUP LTD, an
Ontario business corporation; LEGACY EIGHT
MALTA LIMITED, a Maltese company;
ALFRED SEARS, an individual; KAVO
HOLDINGS LIMITED, a Cyprus company;
BRAGG ORYX HOLDINGS, INC. fka AA
ACQUISITION GROUP, INC., a Canadian
special purpose vehicle or Canadian company;
MATEYZ MAZIJ, an individual; RICHARD
NEWMAN, an individual; NEWMAN LAW,
LLC, a Nevada limited liability company;
Cooper Blackstone, LLC, a Nevada limited
liability company; DOES I through X; and ROE
CORPORATIONS I through X,

Third-Party Defendants.

Third-Party Plaintiffs David Mahon, Intellectual Properties Holding, LLC (“IPH”), Full
Color Games, LLC, Full Color Games, N.A., Inc. (“FCGNA”), Jackpot Productions, LLC, and
Full Color Games, Inc., by and through their counsel of record, the law firms of Hutchison &
Steffen, PLLC and Hogan Hulet PLLC appeal to the Supreme Court of Nevada from the Order
Denying Third-Party Plaintiffs’ Motion for Preliminary Injunction entered in this action on the
28th day of January, 2022, and all related orders and judgements so appealable.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3
4
5

6
7
8

8

9
0
1
2
3
4
5
6
7
8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

20
21
22
23
24
25
26
27
28

1	Spin Games, LLC	Third-Party Defendant
2	Kent Young	Third-Party Defendant
3	Kunal Mishra	Third-Party Defendant
4	Brian Marcus	Third-Party Defendant

6 **4. Parties to this appeal.**

7	David Mahon	Third-Party Plaintiff
8	Intellectual Properties Holding, LLC	Third-Party Plaintiff
9	Full Color Games, LLC	Third-Party Plaintiff
10	Full Color Games, N.A., Inc.	Third-Party Plaintiff
11	Jackpot Productions, LLC	Third-Party Plaintiff
12	Full Color Games, Inc.	Third-Party Plaintiff
13	Bragg Gaming Group, Ltd.	Third-Party Defendant
14	Spin Games, LLC	Third-Party Defendant

17 **5. The name, law firms, addresses and telephone numbers of all counsel on**
18 **appeal, and the party of parties they represent.**

19 Mark A. Hutchison (4639)
20 Todd W. Prall (9154)
21 Hutchison & Steffen, PLLC
22 Peccole Professional Park
23 10080 West Alta Drive, Suite 200
24 Las Vegas, NV 89145
25 702-385-2500
26 *Attorneys for Third-Party Plaintiffs David Mahon; Intellectual Properties Holding, LLC;*
27 *Full Color Games, LLC; Full Color Games, N.A., Inc., and Jackpot Productions, LLC*

28 Jeffrey Hulet (10621)
Hogan Hulet
1140 N. Town Center Dr., Suite 300
Las Vegas, Nevada 89144
(702) 800-5482 ex. 101
Attorneys for Full Color Games, Inc.

1 Rory T. Kay (12416)
2 Tara U. Teegarden (15344)
3 McDonald Carano LLP
4 *Attorneys for Third-Party Defendants Spin Games, LLC*

5 Steven A. Caloiaro (12344)
6 Brooks T. Westergard (14300)
7 Dickinson Wright PLLC
8 100 W. Liberty Street, Suite 940
9 Reno, Nevada 89501
10 (702) 343-7500
11 *Attorneys for Third-Party Defendants Bragg Gaming Group, Ltd.*

12 **6. Whether respondents was represented by appointed or retained counsel**
13 **in the district court.**

14 Respondents were represented by retained counsel in the district court.

15 **7. Whether appellants were represented by appointed or retained counsel**
16 **in the district court.**

17 Appellants were represented by retained counsel in the district court.

18 **8. Whether appellants were granted leave to proceed in forma pauperis in**
19 **the district court.**

20 Appellants were not granted leave to proceed in forma pauperis in the district court.

21 **9. The date the proceedings commenced in the district court.**

22 The original proceeding commenced on August 11, 2017. The Third-Party Complaint at
23 issue here commenced on or about February 4, 2019. The Third-Party Complaint at issue was
24 recently amended on November 22, 2021.

25 **10. Brief description of the action.**

26 The original action as commenced was a derivative action brought by some disgruntled
27 shareholders. In response the defendants and the company filed suit against several other
28 companies, entities and individuals asserting that these third-party defendants were the cause of

1 the damages to the company. The Third-Party Complaint included both contractual claims and
2 conspiracy and tort claims.

3 One of the Third-Party Defendants, Spin Games, LLC, had contractual relationship with
4 several of the Third-Party Plaintiffs and held intellectual property belonging to the Third-Party
5 Plaintiffs pursuant to several non-disclosures, noncompete and other similar agreements. Third-
6 Party Plaintiffs learned that Spin Games, LLC was being sold to another Third-Party Defendant
7 who is a competitor and Third-Party Plaintiffs sought to enjoin the sale via a preliminary
8 injunction. The court denied the preliminary injunction, and Third-Party Plaintiffs are
9 appealing that order.
10

11 **11. Whether the case has been the subject of a previous appeal.**

12 This case was subject to two other appeals. Both of these appeals were other unrelated
13 Third-Party Defendants appealing the district court's denial of their special motions to dismiss
14 brought under Nevada's Anti-SLAPP suit laws. Those appeals were affirmed.
15

16 **12. Whether the appeal involves child custody or visitation.**

17 This case does not involve child custody or visitation.
18

19 **13. Whether the appeal involves the possibility of settlement.**

20 Although Appellants believe that there is a possibility of settlement, the settlement will
21 not include just the issues on appeal as it would have to include the entire case which would
22

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 include some parties who may not be direct parties to the appeal. Appellants believe a settlement
2 at this stage is not very likely, however.

3 DATED this 3rd day of March, 2022.

4 HUTCHISON & STEFFEN, PLLC

5 HOGAN HULET, PLLC

6
7 /s/ Todd W. Prall

/s/ Jeffrey Hulet

8 Mark A. Hutchison (4639)
9 Todd W. Prall (9154)
10 Peccole Professional Park
11 10080 West Alta Drive, Suite 200
12 Las Vegas, NV 89145

Jeffrey Hulet (10621)
1140 N. Town Center Dr., Suite 300
Las Vegas, Nevada 89144

Attorneys for Full Color Games, Inc.

11 *Attorneys for Third-Party Plaintiffs*
12 *David Mahon; Intellectual*
13 *Properties Holding, LLC; Full*
14 *Color Games, LLC; Full Color*
15 *Games, N.A., Inc., and Jackpot*
16 *Productions, LLC*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, PLLC and that on this 3rd day of March, 2022, I caused the above and foregoing document entitled **CASE APPEAL STATEMENT** to be served through the Court's mandatory electronic service system, per EDCR 8.02, and electronic mail upon the following:

ALL PARTIES ON THE E-SERVICE LIST

/s/ Madelyn B. Carnate-Peralta

An employee of Hutchison & Steffen, PLLC