

Electronically Filed  
Apr 07 2022 10:52 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOTC**  
Phillip V. Tiberi  
Nevada Bar No. 6146  
Eleanor D. Murphy  
Nevada Bar No. 15071  
Nicholas F. Adams  
Nevada Bar No. 14813  
Wood, Smith, Henning & Berman LLP  
2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128-9020  
Telephone: 702 251 4100  
Facsimile: 702 251 5405  
[ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)  
[emurphy@wshblaw.com](mailto:emurphy@wshblaw.com)  
[nadams@wshblaw.com](mailto:nadams@wshblaw.com)

Attorneys for Defendants Gravady Nevada, LLC  
and CircusTrix, LLC

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

JESUS MEJIA, an individual,

Plaintiff,

v.

GRAVADY NEVADA, LLC, a Nevada  
Limited Liability Company; CIRCUSTRIX,  
LLC, a Utah Limited Liability Company;  
ASSAF NEVADA, INC., a Nevada  
Corporation; DOE PROPERTY OWNER I-V;  
ROE PROPERTY OWNER 1-V; ROE  
MAINTENANCE COMPANY I-V; ROE  
PROPERTY MANAGEMENT COMPANY I-  
V; DOE MAINTENANCE WORKER I-V;  
DOE PROPERTY MANAGER I-V; DOE  
EMPLOYEE I-V; DOE MANAGER I-V;  
ROE EMPLOYER I-V; DOE EQUIPMENT  
INSTALLER I-V; ROE EQUIPMENT  
INSTALLATION COMPANY; and ROE  
COMPANIES I-V,

Defendants.

Case No.: A-19-800435-C  
Dept. No.: IV

**GRAVADY NEVADA, LLC AND  
CIRCUSTRIX, LLC'S NOTICE OF  
APPEAL**

Notice is hereby given that GRAVADY NEVADA, LLC and CIRCUSTRIX, LLC,  
Defendants above named, hereby appeal to the Supreme Court of Nevada for a Writ of Mandamus  
to issue an order setting forth the parameters and/or language that a waiver must contain that equate  
to actual knowledge, such that assumption of risk can be a legitimate defense. Defendants

1 additionally appeal to the Supreme Court of Nevada to direct Respondent, the Honorable Nadia  
2 Krall, to vacate her order denying Petitioners' Motion for Summary Judgment based upon the lack  
3 of genuine issue of fact as to whether the Release constituted a valid assumption of risk. The Order  
4 denying summary judgment in this action was entered on June 3, 2021.

5 Respectfully Submitted:

6 DATED this 4<sup>th</sup> day of April, 2022

7 WOOD, SMITH, HENNING & BERMAN LLP  
8  
9

10 By /s/ Phillip V. Tiberi

11 PHILLIP V. TIBERI

12 Nevada Bar No. 6146

13 ELEANOR D. MURPHY

14 Nevada Bar No. 15071

15 NICHOLAS F. ADAMS

16 Nevada Bar No. 14813

17 2881 Business Park Court, Suite 200

18 Las Vegas, Nevada 89128-9020

19 Telephone: 702 251 4100

20 Facsimile: 702 251 5405

21 [ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)

22 [emurphy@wshblaw.com](mailto:emurphy@wshblaw.com)

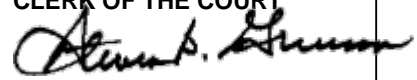
23 [nadams@wshblaw.com](mailto:nadams@wshblaw.com)

24 Attorneys for Petitioners Gravady Nevada, LLC  
25 and CircusTrix, LLC  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of April, 2022, a true and correct copy of **GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S NOTICE OF APPEAL** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

By /s/ Michelle N. Ledesma  
An Employee of  
WOOD, SMITH, HENNING & BERMAN LLP



1 **STAT**

Phillip V. Tiberi

2 Nevada Bar No. 6146

Eleanor D. Murphy

3 Nevada Bar No. 15071

Nicholas F. Adams

4 Nevada Bar No. 14813

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8 [nadams@wshblaw.com](mailto:nadams@wshblaw.com)

9 Attorneys for Defendants Gravady Nevada, LLC  
and CircusTrix, LLC

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 JESUS MEJIA, an individual,

13 Plaintiff,

14 v.

15 GRAVADY NEVADA, LLC, a Nevada  
Limited Liability Company; CIRCUSTRIX,  
16 LLC, a Utah Limited Liability Company;  
ASSAF NEVADA, INC., a Nevada  
17 Corporation; DOE PROPERTY OWNER I-V;  
ROE PROPERTY OWNER 1-V; ROE  
18 MAINTENANCE COMPANY I-V; ROE  
PROPERTY MANAGEMENT COMPANY I-  
19 V; DOE MAINTENANCE WORKER I-V;  
DOE PROPERTY MANAGER I-V; DOE  
20 EMPLOYEE I-V; DOE MANAGER I-V;  
ROE EMPLOYER I-V; DOE EQUIPMENT  
21 INSTALLER I-V; ROE EQUIPMENT  
INSTALLATION COMPANY; and ROE  
22 COMPANIES I-V,

23 Defendants.

Case No.: A-19-800435-C

Dept. No.: IV

**GRAVADY NEVADA, LLC AND  
CIRCUSTRIX, LLC'S CASE APPEAL  
STATEMENT**

24 **1. Name of appellant filing this case appeal statement:**

25 Gravady Nevada, LLC and CircusTrix, LLC.

26 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

27 The Hon. Nadia Krall, District Judge, issued an Order that was entered June 3, 2021 denying  
28

summary judgment on the grounds that there was an issue of genuine issue of fact as to whether the Release constituted a valid assumption of risk.

**3. Identify each appellant and the name and address of counsel for each appellant:**

Appellant: Gravady Nevada, LLC

Counsel: Phillip V. Tiberi, Esq.;  
Nicholas F. Adams, Esq.; and  
Eleanor D. Murphy, Esq.  
Wood, Smith, Henning & Berman LLP  
2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128-9020  
[ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)  
[nadams@wshblaw.com](mailto:nadams@wshblaw.com)  
[emurphy@wshblaw.com](mailto:emurphy@wshblaw.com)

Appellant: CircusTriX, LLC

Counsel: Phillip V. Tiberi, Esq.;  
Nicholas F. Adams, Esq.; and  
Eleanor D. Murphy, Esq.  
Wood, Smith, Henning & Berman LLP  
2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128-9020  
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[nadams@wshblaw.com](mailto:nadams@wshblaw.com)  
[emurphy@wshblaw.com](mailto:emurphy@wshblaw.com)

**4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):**

Respondent: EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, In And For The County Of Clark

Respondent: THE HONORABLE JUDGE NADIA KRALL. in her capacity as  
District Judge

Real Party in Interest: JESUS MEJIA, an individual.

Counsel: Kimball Jones, Esq.  
Joshua P. Berrett, Esq.  
2225 E. Flamingo Rd., Building 2  
Suite 300  
Las Vegas, NV 89119  
Attorneys for Jesus Mejia

///

///

1       **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**  
2 **licensed to practice law in Nevada and, if so, whether the district court granted that attorney**  
3 **permission to appear under SCR 42 (attach a copy of any district court order granting such**  
4 **permission):**

5           Upon information and belief, all applicable counsel are licensed to practice law in the State  
6 of Nevada.

7       **6. Indicate whether appellant was represented by appointed or retained counsel in the**  
8 **district court:**

9           Appellants were represented by the aforementioned retained counsel in the district court.

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

11           Appellants are represented by the aforementioned retained counsel on appeal.

12       **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the**  
13 **date of entry of the district court order granting such leave:**

14           Appellants were not granted leave to proceed in forma pauperis.

15       **9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,**  
16 **indictment, information, or petition was filed):**

17           The original complaint (Case No. A-19-800435-C) was filed on August 19, 2019.

18       **10. Provide a brief description of the nature of the action and result in the district court,**  
19 **including the type of judgment or order being appealed and the relief granted by the district**  
20 **court:**

21           This matter involves claims of negligence brought by Jesus Mejia ("Plaintiff") resulting from  
22 Defendants' alleged failure to appropriately maintain the facility. Plaintiff filed his Complaint  
23 against Gravady Nevada, LLC and CircusTrix, LLC on August 19, 2019. Defendants filed a Motion  
24 for Summary Judgment on April 7, 2021 on the basis that Plaintiff had executed a valid release  
25 agreement specifically waiving liability for the type of injury Plaintiff suffered. Defendants have  
26 additionally become aware of a number of other cases pending in the District Court regarding the  
27 same or similar issue regarding waivers of liability; whether there is an issue of genuine fact  
28 regarding assumption of risk when there is an applicable release agreement releasing liability within

1 same.

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

5 N/A

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

7 N/A

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

9 N/A

10 DATED this 4<sup>th</sup> day of April, 2022

11 WOOD, SMITH, HENNING & BERMAN LLP

12  
13 By /s/ Phillip V. Tiberi

14 PHILLIP V. TIBERI

15 Nevada Bar No. 6146

16 ELEANOR D. MURPHY

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25 [emurphy@wshblaw.com](mailto:emurphy@wshblaw.com)

26 [nadams@wshblaw.com](mailto:nadams@wshblaw.com)

27 Attorneys for Petitioners Gravady Nevada, LLC  
28 and CircusTrix, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of April, 2022, a true and correct copy of **GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S CASE APPEAL STATEMENT** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

By /s/ Michelle N. Ledesma  
An Employee of  
WOOD, SMITH, HENNING & BERMAN LLP



**CASE SUMMARY****CASE NO. A-19-800435-C**

**Jesus Mejia, Plaintiff(s)**  
**vs.**  
**Gravady Nevada LLC, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 4**  
 Judicial Officer: **Krall, Nadia**  
 Filed on: **08/19/2019**  
 Case Number History:  
 Cross-Reference Case Number: **A800435**

**CASE INFORMATION**Case Type: **Negligence - Premises Liability**

Case Status: **08/19/2019 Open**

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

Case Number A-19-800435-C  
 Court Department 4  
 Date Assigned 01/04/2021  
 Judicial Officer Krall, Nadia

**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Mejia, Jesus</b>	<i>Lead Attorneys</i> <b>Berrett, Joshua P</b> <i>Retained</i> 702-333-1111(W)
<b>Defendant</b>	<b>ASSAF Nevada Inc</b> Removed: 05/23/2021 Dismissed	<b>Januszewski, Kenneth J</b> <i>Retained</i> 602-274-7611(W)
	<b>ASSAF Nevada, Inc.</b>	<b>Januszewski, Kenneth J</b> <i>Retained</i> 602-274-7611(W)
	<b>Circustrix LLC</b>	<b>Tiberi, Phillip V</b> <i>Retained</i> 702-990-3714(W)
	<b>Gravady Nevada LLC</b>	<b>Tiberi, Phillip V</b> <i>Retained</i> 702-990-3714(W)
<b>Other</b>	<b>State of Nevada - Medicaid</b>	<b>Balducci, Ashley, ESQ</b> <i>Retained</i> 702-486-3086(W)

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

08/19/2019



Complaint  
 [1] Complaint

08/19/2019



Initial Appearance Fee Disclosure  
 [2] Initial Appearance Fee Disclosure














09/10/2019



Notice of Medicaid Lien














# CASE SUMMARY

CASE NO. A-19-800435-C

	<p>Filed By: Other State of Nevada - Medicaid  <i>[3] Notice of Medicaid Lien</i></p>
09/13/2019	<p> Summons Electronically Issued - Service Pending            Party: Plaintiff Mejia, Jesus  <i>[4] Summons</i></p>
09/13/2019	<p> Summons Electronically Issued - Service Pending            Party: Plaintiff Mejia, Jesus  <i>[5] Summons</i></p>
09/13/2019	<p> Summons Electronically Issued - Service Pending            Party: Plaintiff Mejia, Jesus  <i>[6] Summons</i></p>
10/16/2019	<p> Declaration            Filed By: Plaintiff Mejia, Jesus  <i>[7] Declaration of Service of Defendant Gravady Nevada, LLC.</i></p>
10/16/2019	<p> Affidavit of Service            Filed By: Plaintiff Mejia, Jesus  <i>[8] Affidavit of Service of Defendant Assaf Nevada</i></p>
10/16/2019	<p> Affidavit of Service            Filed By: Plaintiff Mejia, Jesus  <i>[9] Affidavit of Service of Defendant Circustrix, LLC</i></p>
10/21/2019	<p> Answer to Complaint            Filed by: Defendant ASSAF Nevada Inc  <i>[10] Answer to Complaint</i></p>
10/21/2019	<p> Disclosure Statement            Party: Defendant ASSAF Nevada Inc  <i>[11] ASSAF Nevada, inc.'s NRCP 7.1 Disclosure Statement</i></p>
10/21/2019	<p> Demand for Jury Trial            Filed By: Defendant ASSAF Nevada Inc  <i>[12] Demand for Jury Trial</i></p>
10/21/2019	<p> Initial Appearance Fee Disclosure            Filed By: Defendant ASSAF Nevada Inc  <i>[13] Initial Appearance Fee Disclosure Pursuant to NRS Chapter 19</i></p>
10/31/2019	<p> Answer to Complaint            Filed by: Defendant Gravady Nevada LLC; Defendant Circustrix LLC  <i>[14] Defendants' Gravady Nevada, LLC and CircusTrix, LLC's Answer to Plaintiff's Complaint</i></p>
10/31/2019	<p> Initial Appearance Fee Disclosure            Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC  <i>[15] Defendants' Gravady Nevada, LLC and CircusTrix, LLC's Initial Appearance Fee Disclosure</i></p>
10/31/2019	<p> Demand for Jury Trial</p>















# CASE SUMMARY

CASE NO. A-19-800435-C

	Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[16] Defendants' Gravady Nevada, LLC and CircusTrix, LLC's Demand for Jury Trial</i>
11/04/2019	 Request for Exemption From Arbitration Filed by: Plaintiff Mejia, Jesus <i>[17] Request for Exemption from Arbitration</i>
11/19/2019	 Commissioners Decision on Request for Exemption - Granted <i>[18] Commissioner's Decision on Request for Exemption - GRANTED</i>
12/10/2019	 Notice of Early Case Conference <i>[19] Notice of Telephonic Early Case Conference</i>
02/19/2020	 Joint Case Conference Report Filed By: Plaintiff Mejia, Jesus <i>[20] Joint Case Conference Report</i>
04/29/2020	 Scheduling and Trial Order <i>[21] Scheduling Order and Order Setting Civil Jury and Calendar Call</i>
06/01/2020	 Notice of Change Filed By: Plaintiff Mejia, Jesus <i>[22] Notice of Change of Firm Address</i>
11/19/2020	 Stipulation and Order Filed by: Defendant Gravady Nevada LLC <i>[23] Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i>
11/23/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[24] Notice of Entry of Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment to Judge Nadia Krall</i>
04/07/2021	 Motion for Summary Judgment Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[25] Defendants' Motion for Summary Judgment</i>
04/07/2021	 Clerk's Notice of Hearing <i>[26] Clerk's Notice of Hearing</i>
04/21/2021	 Opposition to Motion Filed By: Plaintiff Mejia, Jesus <i>[27] Plaintiff Jesus Mejia's Opposition to Defendants' Motion for Summary Judgment</i>
05/18/2021	 Reply in Support Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[28] Defendants' Reply in Support of Motion for Summary Judgment</i>
05/23/2021	 Stipulation and Order for Dismissal Without Prejudice Filed By: Defendant ASSAF Nevada Inc <i>[29] Stipulation to Dismiss ASSAF Nevada, Inc. Without Prejudice</i>

# CASE SUMMARY

CASE NO. A-19-800435-C

05/27/2021	 Notice of Change of Hearing <i>[30] Notice of Change of Hearing</i>
06/02/2021	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant ASSAF Nevada, Inc. <i>[31] Notice of Entry of Stipulation to Dismiss ASSAF Nevada, Inc. without Prejudice</i>
06/03/2021	 Order Denying Motion <i>[32] Order Denying Defendants' Motion for Summary Judgment</i>
06/03/2021	 Notice of Entry of Order Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[33] Notice of Entry of Order Denying Defendants' Motion for Summary Judgment</i>
06/24/2021	 Notice of Hearing <i>[34] Notice of Hearing</i>
07/10/2021	 Stipulation and Order Filed by: Plaintiff Mejia, Jesus <i>[35] Stipulation and Order to extend Discovery Deadlines and Continue Trial (Second Request)</i>
07/12/2021	 Recorders Transcript of Hearing <i>[36] Recorders Transcript of Hearing Re: Defendants' Motion for Summary Judgment, May 25, 2021</i>
07/12/2021	 Order <i>[37] Amended Order Setting Civil Jury Trial and Civil Calendar Call</i>
09/14/2021	 Stipulation and Order Filed by: Plaintiff Mejia, Jesus <i>[38] Stipulation and Order Regarding NRCP Rule 35 Medical Examination</i>
10/26/2021	 Stipulation and Order Filed by: Plaintiff Mejia, Jesus <i>[39] Stipulation and Order to Extend Discovery Deadlines and Continue Trial</i>
11/18/2021	 Notice of Change of Address Filed By: Plaintiff Mejia, Jesus <i>[40] NOTICE OF CHANGE OF ADDRESS</i>
12/22/2021	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Mejia, Jesus <i>[41] Stipulation and Order to Extend Discovery Deadlines and Continue Trial(Third Request)</i>
04/04/2022	 Notice of Appeal Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[42] GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S NOTICE OF APPEAL</i>
04/04/2022	 Case Appeal Statement Filed By: Defendant Gravady Nevada LLC; Defendant Circustrix LLC <i>[43] GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S CASE APPEAL STATEMENT</i>


# CASE SUMMARY


CASE NO. A-19-800435-C


## DISPOSITIONS


05/23/2021 **Order of Dismissal Without Prejudice** (Judicial Officer: Krall, Nadia)  
Debtors: Jesus Mejia (Plaintiff)  
Creditors: ASSAF Nevada Inc (Defendant)  
Judgment: 05/23/2021, Docketed: 05/24/2021

## HEARINGS

04/07/2020  **Minute Order** (3:00 AM) (Judicial Officer: Earley, Kerry)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*This matter came before the Court for a Mandatory Discovery Conference, Pursuant to NRCPC 16.1. Having reviewed the matter and parties are in agreement, the Court Grants the following: Discovery Cut Off: March 18, 2021 Amend Plea/Add Parties: December 18, 2020 Initial Disclosures: December 18, 2020 Rebuttal Disclosure: January 18, 2021 Dispositive Motion: March 18, 2021 Trial Stack: June 28, 2021 Calendar Call: June 3, 2021 A Scheduling Order will follow. ;*

05/25/2021  **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Krall, Nadia)  
*Defendants Motion for Summary Judgment*  
Denied;  
Journal Entry Details:  
*Following arguments by counsel regarding assumption of risk. COURT ORDERED, motion DENIED. Mr. Hoyt to prepare the order.;*

07/08/2021  **Status Check** (9:00 AM) (Judicial Officer: Krall, Nadia)  
*Status Check: Stipulation and Order to Extend Discovery Deadlines and Continue Trial (Second Request)*  
Matter Heard;  
Journal Entry Details:  
*Upon the Court's inquiry, Mr. Simonsen stated his client has not been able to do the Rule 35 Exam, however, there is a new potential date, and is waiting to hear back from his client. Mr. Simonsen further stated there was a discussion on a potential site inspection, and has reached out to his expert. Mr. Simonsen advised the Court he does not foresee any issues with the deadlines purposed, and part of the reason for the request for extension, is that he will be out on paternity leave during the months of August and September. COURT ORDERED, counsel resubmit Stipulation and Order; matter SET for a Status Check. 10/14/21 9:00AM STATUS CHECK;*

10/14/2021  **Status Check: Discovery** (9:00 AM) (Judicial Officer: Krall, Nadia)  
Matter Heard;  
Journal Entry Details:  
*Parties present via BlueJeans. Also present: David Finegold, Esq. Court noted the Initial Expert disclosures are on November 18th and inquired as to the status of discovery. Mr. Finegold advised they recently held the IME and he believes they will need an additional 60 days for the experts. Mr. Finegold further stated Evan Simonsen is no longer with his firm and the case has not been reassigned to another associate yet. Court noted the JCCR was filed February 2020 and there have been two requests for continuance in this case already. Upon the Court's inquiry, Mr. Tiberi stated he has no opposition to the requested as they have worked well with opposing counsel. Court Noted the ruled, and Advised if the parties want to submit a stipulation and order the Court would sign it. COURT ADVISED this would be the last continuance for this case.;*

12/14/2021 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Krall, Nadia)  
*Vacated - per Stipulation and Order*

01/03/2022 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Krall, Nadia)  
*Vacated - per Stipulation and Order*

06/14/2022 **Calendar Call** (11:00 AM) (Judicial Officer: Krall, Nadia)

**CASE SUMMARY****CASE NO. A-19-800435-C**

06/27/2022

**Jury Trial (9:00 AM)** (Judicial Officer: Krall, Nadia)**DATE****FINANCIAL INFORMATION****Defendant** ASSAF Nevada Inc

Total Charges

223.00

Total Payments and Credits

223.00

**Balance Due as of 4/6/2022****0.00****Defendant** Gravady Nevada LLC

Total Charges

477.00

Total Payments and Credits

477.00

**Balance Due as of 4/6/2022****0.00****Plaintiff** Mejia, Jesus

Total Charges

270.00

Total Payments and Credits

270.00

**Balance Due as of 4/6/2022****0.00**

# DISTRICT COURT CIVIL COVER SHEET

CLARK County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

**CASE NO. A-19-800435-C**  
**Department 4**

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
JESUS MEJIA	GRAVADY NEVADA, LLC
	CIRCUSTRIX LLC.
	ASSAF NEVADA INC.
Attorney (name/address/phone):	Attorney (name/address/phone):
BIGHORN LAW	
JOSHUA P. BERRETT, ESQ.	
716 S. JONES BLVD.	
LAS VEGAS, NV 89107	

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<p style="text-align: center;"><b>Real Property</b></p> <p><b>Landlord/Tenant</b></p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Other Landlord/Tenant</p> <p><b>Title to Property</b></p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Other Title to Property</p> <p><b>Other Real Property</b></p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p>	<p style="text-align: center;"><b>Negligence</b></p> <p><input type="checkbox"/> Auto</p> <p><input checked="" type="checkbox"/> Premises Liability</p> <p><input type="checkbox"/> Other Negligence</p> <p style="text-align: center;"><b>Malpractice</b></p> <p><input type="checkbox"/> Medical/Dental</p> <p><input type="checkbox"/> Legal</p> <p><input type="checkbox"/> Accounting</p> <p><input type="checkbox"/> Other Malpractice</p>	<p style="text-align: center;"><b>Torts</b></p> <p><b>Other Torts</b></p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p><input type="checkbox"/> Employment Tort</p> <p><input type="checkbox"/> Insurance Tort</p> <p><input type="checkbox"/> Other Tort</p>
<p style="text-align: center;"><b>Probate</b></p> <p><b>Probate</b> <i>(select case type and estate value)</i></p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside ( ) Surviving Spouse</p> <p><input type="checkbox"/> Trust/Conservatorship</p> <p><input type="checkbox"/> Other Probate</p> <p><b>Estate Value</b></p> <p><input type="checkbox"/> Greater than \$300,000</p> <p><input type="checkbox"/> \$200,000-\$300,000</p> <p><input type="checkbox"/> \$100,001-\$199,999</p> <p><input type="checkbox"/> \$25,001-\$100,000</p> <p><input type="checkbox"/> \$20,001-\$25,000</p> <p><input type="checkbox"/> \$2,501-\$20,000</p> <p><input type="checkbox"/> \$2,500 or less</p>	<p style="text-align: center;"><b>Construction Defect &amp; Contract</b></p> <p><b>Construction Defect</b></p> <p><input type="checkbox"/> Chapter 40</p> <p><input type="checkbox"/> Other Construction Defect</p> <p><b>Contract Case</b></p> <p><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Building and Construction</p> <p><input type="checkbox"/> Insurance Carrier</p> <p><input type="checkbox"/> Commercial Instrument</p> <p><input type="checkbox"/> Collection of Accounts</p> <p><input type="checkbox"/> Employment Contract</p> <p><input type="checkbox"/> Other Contract</p>	<p style="text-align: center;"><b>Judicial Review/Appeal</b></p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Foreclosure Mediation Case</p> <p><input type="checkbox"/> Petition to Seal Records</p> <p><input type="checkbox"/> Mental Competency</p> <p><b>Nevada State Agency Appeal</b></p> <p><input type="checkbox"/> Department of Motor Vehicle</p> <p><input type="checkbox"/> Worker's Compensation</p> <p><input type="checkbox"/> Other Nevada State Agency</p> <p><b>Appeal Other</b></p> <p><input type="checkbox"/> Appeal from Lower Court</p> <p><input type="checkbox"/> Other Judicial Review/Appeal</p>
<p style="text-align: center;"><b>Civil Writ</b></p> <p><b>Civil Writ</b></p> <p><input type="checkbox"/> Writ of Habeas Corpus</p> <p><input type="checkbox"/> Writ of Mandamus</p> <p><input type="checkbox"/> Writ of Quo Warrant</p>	<p style="text-align: center;"><b>Other Civil Filing</b></p> <p><b>Other Civil Filing</b></p> <p><input type="checkbox"/> Compromise of Minor's Claim</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Other Civil Matters</p>	

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

**8/19/2019**

Date

/S/ JOSHUA P. BARRET, ESQ.

Signature of initiating party or representative

*Heather S. Smith*

CLERK OF THE COURT

1 **ODM**

Phillip V. Tiberi, Esq.

2 Nevada Bar No. 6146

Kyle J. Hoyt, Esq.

3 Nevada Bar No. 14886

Wood, Smith, Henning & Berman LLP

4 2881 Business Park Court, Suite 200

Las Vegas, Nevada 89128-9020

5 Telephone: 702 251 4100

Facsimile: 702 251 5405

6 [ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)

[khyot@wshblaw.com](mailto:khyot@wshblaw.com)

7 Attorneys for Defendants Gravady Nevada, LLC

8 and CircusTriX, LLC

9  
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12  
13 JESUS MEJIA, an individual,

14 Plaintiff,

15 v.

16 GRAVADY NEVADA, LLC, a Nevada  
Limited Liability Company; CIRCUSTRIX,  
17 LLC, a Utah Limited Liability Company;  
ASSAF NEVADA, INC., a Nevada  
18 Corporation; DOE PROPERTY OWNER I-V;  
ROE PROPERTY OWNER I-V; ROE  
19 MAINTENANCE COMPANY I-V; ROE  
PROPERTY MANAGEMENT COMPANY I-  
20 V; DOE MAINTENANCE WORKER I-V;  
DOE PROPERTY MANAGER I-V; DOE  
21 EMPLOYEE I-V; DOE MANAGER I-V;  
ROE EMPLOYER I-V; DOE EQUIPMENT  
22 INSTALLER I-V; ROE EQUIPMENT  
INSTALLATION COMPANY; and ROE  
23 COMPANIES I-V,

24 Defendants.

Case No.: A-19-800435-C

Dept. No.: IV

**ORDER DENYING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

25  
26 Defendants, GRAVADY NEVADA, LLC and CIRCUSTRIX, LLC Motion for Summary  
27 Judgment, having come on regularly for hearing on the 25<sup>th</sup> day of May, 2021, at 9:00 a.m. in  
28 Department 4, the HONORABLE NADIA KRALL, Presiding, Defendants GRAVADY NEVADA,



1 LLC and CIRCUSTRIX, LLC, represented by KYLE J. HOYT, ESQ. of the law firm of WOOD  
2 SMITH HENNING & BERMAN, and Plaintiff JESUS MEJIA being represented by EVAN K.  
3 SIMONSEN, ESQ. of BIGHORN LAW, the Court being fully advised in the premises, the Court  
4 having reviewed the papers as well the representations made by counsel at said hearing and as  
5 reflected in the Court's minutes, the Court finds and orders as follows:  
6

7 THE COURT FINDS that the issue of whether or not the Plaintiff assumed the risk of injury  
8 is a question of fact for the jury.

9 THE COURT FURTHER FINDS that the Nevada Supreme Court's decision in *Renaud v.*  
10 *200 Convention Center, Ltd.*, 102 Nev. 500, 728 P.2d 445 (1986) to be directly controlling on the  
11 issue of assumption of risk and prevents summary judgment.

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IT IS HEREBY ORDERED that Defendants Motion for Summary Judgment is DENIED.

**IT IS SO ORDERED.**

Dated this 3rd day of June, 2021



**B59 2CF 2FDF F029  
Nadia Krall  
District Court Judge**

Respectfully Submitted:

**APPROVED AS TO FORM AND  
CONTENT:**

Dated this 2<sup>nd</sup> day of June, 2021.

Dated this 2<sup>nd</sup> day of June, 2021.

WOOD, SMITH, HENNING & BERMAN LLP

BIGHORN LAW

/s/ Kyle J. Hoyt  
By: \_\_\_\_\_

/s/ Evan K. Simonsen  
\_\_\_\_\_

PHILLIP V. TIBERI, ESQ.  
Nevada Bar No. 6146  
KYLE J. HOYT.  
Nevada Bar No. 14886  
2881 Business Park Court, Suite 200  
Las Vegas, NV 89128  
*Attorneys for Defendants*

KIMBALL JONES, ESQ.  
Nevada Bar No. 12982  
JOSHUA P. BERRETT, ESQ.  
Nevada Bar No. 12697  
EVAN K. SIMONSEN, ESQ.  
Nevada Bar No. 13762  
716 S. Jones Blvd.  
Las Vegas, NV 89107  
*Attorneys for Plaintiff*

## Kimberly Amy

---

**From:** Kimberly Amy  
**Sent:** Wednesday, June 2, 2021 2:46 PM  
**To:** Kimberly Amy  
**Subject:** FW: [EXTERNAL] Re: Mejia v. Gravady - Draft Order Denying MSJ and Discovery

**From:** Evan Simonsen <[evans@bighornlaw.com](mailto:evans@bighornlaw.com)>  
**Sent:** Wednesday, June 2, 2021 12:37 PM  
**To:** Kyle J. Hoyt <[KHoyt@wshblaw.com](mailto:KHoyt@wshblaw.com)>  
**Subject:** [EXTERNAL] Re: Mejia v. Gravady - Draft Order Denying MSJ and Discovery

Kyle,

The Order denying Defendant's Motion for Summary Judgment, as submitted to me, looks fine. You may affix my e-signature.

Thank you,



Evan K. Simonsen, Esq.  
Attorney | Bighorn Law



2225 E. Flamingo building 2 suite 300 | Las Vegas, Nevada  
| 89119  
p. (702) 333-1111 | f. (702) 710-0999  
[www.bighornlaw.com](http://www.bighornlaw.com)



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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Jesus Mejia, Plaintiff(s)

CASE NO: A-19-800435-C

7 vs.

DEPT. NO. Department 4

8 Gravady Nevada LLC,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/3/2021

15 Katie Ader

katie@bighornlaw.com

16 Kenneth Januszewski

kenj@bcattorneys.com

17 Paula Chapman

pchapman@bcattorneys.com

18 Kimberly Amy

kamy@wshblaw.com

19 Kyle Hoyt

khoyt@wshblaw.com

20 Phillip Tiberi

ptiberi@wshblaw.com

21 Dolores Johnson

djohnson@wshblaw.com

22 Christopher Anthony

CAnthony@boyacklaw.com

23 Firm Calendar

Marcia@boyacklaw.com

24 Athanasia Dalacas

adalacas@ag.nv.gov

25 Evan Simonsen

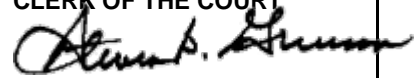
evans@bighornlaw.com

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Tanya Bracken-Geller

tanya@bighornlaw.com



1 **NEOJ**  
Phillip V. Tiberi, Esq.  
2 Nevada Bar No. 6146  
Kyle J. Hoyt, Esq.  
3 Nevada Bar No. 14886  
Wood, Smith, Henning & Berman LLP  
4 2881 Business Park Court, Suite 200  
Las Vegas, Nevada 89128-9020  
5 Telephone: 702 251 4100  
Facsimile: 702 251 5405  
6 [ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)  
[khyot@wshblaw.com](mailto:khyot@wshblaw.com)  
7  
8 Attorneys for Defendants Gravady Nevada, LLC  
and CircusTriX, LLC  
9

10 **DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12  
13 JESUS MEJIA, an individual,  
14 Plaintiff,  
15 v.

Case No.: A-19-800435-C  
Dept. No.: IV

16 GRAVADY NEVADA, LLC, a Nevada  
Limited Liability Company; CIRCUSTRIX,  
17 LLC, a Utah Limited Liability Company;  
ASSAF NEVADA, INC., a Nevada  
18 Corporation; DOE PROPERTY OWNER I-V;  
ROE PROPERTY OWNER I-V; ROE  
19 MAINTENANCE COMPANY I-V; ROE  
PROPERTY MANAGEMENT COMPANY I-  
20 V; DOE MAINTENANCE WORKER I-V;  
DOE PROPERTY MANAGER I-V; DOE  
21 EMPLOYEE I-V; DOE MANAGER I-V;  
ROE EMPLOYER I-V; DOE EQUIPMENT  
22 INSTALLER I-V; ROE EQUIPMENT  
INSTALLATION COMPANY; and ROE  
23 COMPANIES I-V,

24 Defendants.  
25

**NOTICE OF ENTRY OF ORDER  
DENYING DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

26 ///

27 ///

28 ///

1 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY**  
2 **JUDGMENT**

3 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion for Summary  
4 Judgment was entered in the above-entitled matter on June 3, 2021, a copy is attached hereto for  
5 reference.  
6

7 DATED this 3<sup>rd</sup> day of June, 2021

8 WOOD, SMITH, HENNING & BERMAN LLP

9  
10 By /s/ Kyle J. Hoyt  
11 PHILLIP V. TIBERI  
12 Nevada Bar No. 6146  
13 KYLE J. HOYT  
14 Nevada Bar No. 14886  
15 2881 Business Park Court, Suite 200  
16 Las Vegas, Nevada 89128-9020  
17 Tel. 702 251 4100

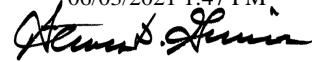
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Attorneys for Defendants Gravady Nevada, LLC  
and CircusTriX, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of June, 2021, a true and correct copy of **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

By /s/ Kimberly Amy  
Kimberly Amy, an Employee of  
WOOD, SMITH, HENNING & BERMAN LLP



  
CLERK OF THE COURT

1 **ODM**

2 Phillip V. Tiberi, Esq.

3 Nevada Bar No. 6146

4 Kyle J. Hoyt, Esq.

5 Nevada Bar No. 14886

6 Wood, Smith, Henning & Berman LLP

7 2881 Business Park Court, Suite 200

8 Las Vegas, Nevada 89128-9020

9 Telephone: 702 251 4100

10 Facsimile: 702 251 5405

11 [ptiberi@wshblaw.com](mailto:ptiberi@wshblaw.com)

12 [khyot@wshblaw.com](mailto:khyot@wshblaw.com)

13 Attorneys for Defendants Gravady Nevada, LLC  
14 and CircusTriX, LLC

15  
16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 JESUS MEJIA, an individual,

19 Plaintiff,

20 v.

21 GRAVADY NEVADA, LLC, a Nevada  
22 Limited Liability Company; CIRCUSTRIX,  
23 LLC, a Utah Limited Liability Company;  
24 ASSAF NEVADA, INC., a Nevada  
25 Corporation; DOE PROPERTY OWNER I-V;  
26 ROE PROPERTY OWNER I-V; ROE  
27 MAINTENANCE COMPANY I-V; ROE  
28 PROPERTY MANAGEMENT COMPANY I-  
V; DOE MAINTENANCE WORKER I-V;  
DOE PROPERTY MANAGER I-V; DOE  
EMPLOYEE I-V; DOE MANAGER I-V;  
ROE EMPLOYER I-V; DOE EQUIPMENT  
INSTALLER I-V; ROE EQUIPMENT  
INSTALLATION COMPANY; and ROE  
COMPANIES I-V,

Defendants.

Case No.: A-19-800435-C

Dept. No.: IV

**ORDER DENYING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Defendants, GRAVADY NEVADA, LLC and CIRCUSTRIX, LLC Motion for Summary  
Judgment, having come on regularly for hearing on the 25<sup>th</sup> day of May, 2021, at 9:00 a.m. in  
Department 4, the HONORABLE NADIA KRALL, Presiding, Defendants GRAVADY NEVADA,

1 LLC and CIRCUSTRIX, LLC, represented by KYLE J. HOYT, ESQ. of the law firm of WOOD  
2 SMITH HENNING & BERMAN, and Plaintiff JESUS MEJIA being represented by EVAN K.  
3 SIMONSEN, ESQ. of BIGHORN LAW, the Court being fully advised in the premises, the Court  
4 having reviewed the papers as well the representations made by counsel at said hearing and as  
5 reflected in the Court's minutes, the Court finds and orders as follows:  
6

7 THE COURT FINDS that the issue of whether or not the Plaintiff assumed the risk of injury  
8 is a question of fact for the jury.

9 THE COURT FURTHER FINDS that the Nevada Supreme Court's decision in *Renaud v.*  
10 *200 Convention Center, Ltd.*, 102 Nev. 500, 728 P.2d 445 (1986) to be directly controlling on the  
11 issue of assumption of risk and prevents summary judgment.

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IT IS HEREBY ORDERED that Defendants Motion for Summary Judgment is DENIED.

**IT IS SO ORDERED.**

Dated this 3rd day of June, 2021



**B59 2CF 2FDF F029  
Nadia Krall  
District Court Judge**

Respectfully Submitted:

**APPROVED AS TO FORM AND  
CONTENT:**

Dated this 2<sup>nd</sup> day of June, 2021.

Dated this 2<sup>nd</sup> day of June, 2021.

WOOD, SMITH, HENNING & BERMAN LLP

BIGHORN LAW

/s/ Kyle J. Hoyt  
By: \_\_\_\_\_

/s/ Evan K. Simonsen  
\_\_\_\_\_

PHILLIP V. TIBERI, ESQ.  
Nevada Bar No. 6146  
KYLE J. HOYT.  
Nevada Bar No. 14886  
2881 Business Park Court, Suite 200  
Las Vegas, NV 89128  
*Attorneys for Defendants*

KIMBALL JONES, ESQ.  
Nevada Bar No. 12982  
JOSHUA P. BERRETT, ESQ.  
Nevada Bar No. 12697  
EVAN K. SIMONSEN, ESQ.  
Nevada Bar No. 13762  
716 S. Jones Blvd.  
Las Vegas, NV 89107  
*Attorneys for Plaintiff*

## Kimberly Amy

---

**From:** Kimberly Amy  
**Sent:** Wednesday, June 2, 2021 2:46 PM  
**To:** Kimberly Amy  
**Subject:** FW: [EXTERNAL] Re: Mejia v. Gravady - Draft Order Denying MSJ and Discovery

**From:** Evan Simonsen <[evans@bighornlaw.com](mailto:evans@bighornlaw.com)>  
**Sent:** Wednesday, June 2, 2021 12:37 PM  
**To:** Kyle J. Hoyt <[KHoyt@wshblaw.com](mailto:KHoyt@wshblaw.com)>  
**Subject:** [EXTERNAL] Re: Mejia v. Gravady - Draft Order Denying MSJ and Discovery

Kyle,

The Order denying Defendant's Motion for Summary Judgment, as submitted to me, looks fine. You may affix my e-signature.

Thank you,



Evan K. Simonsen, Esq.  
Attorney | Bighorn Law



2225 E. Flamingo building 2 suite 300 | Las Vegas, Nevada  
| 89119  
p. (702) 333-1111 | f. (702) 710-0999  
[www.bighornlaw.com](http://www.bighornlaw.com)



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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Jesus Mejia, Plaintiff(s)

CASE NO: A-19-800435-C

7 vs.

DEPT. NO. Department 4

8 Gravady Nevada LLC,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/3/2021

15 Katie Ader

katie@bighornlaw.com

16 Kenneth Januszewski

kenj@bcattorneys.com

17 Paula Chapman

pchapman@bcattorneys.com

18 Kimberly Amy

kamy@wshblaw.com

19 Kyle Hoyt

khoyt@wshblaw.com

20 Phillip Tiberi

ptiberi@wshblaw.com

21 Dolores Johnson

djohnson@wshblaw.com

22 Christopher Anthony

CAnthony@boyacklaw.com

23 Firm Calendar

Marcia@boyacklaw.com

24 Athanasia Dalacas

adalacas@ag.nv.gov

25 Evan Simonsen

evans@bighornlaw.com

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Tanya Bracken-Geller

tanya@bighornlaw.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**April 07, 2020**

---

A-19-800435-C      Jesus Mejia, Plaintiff(s)  
vs.  
Gravady Nevada LLC, Defendant(s)

---

**April 07, 2020      3:00 AM      Minute Order**

**HEARD BY:** Earley, Kerry      **COURTROOM:** Chambers

**COURT CLERK:** Nylasia Packer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This matter came before the Court for a Mandatory Discovery Conference, Pursuant to NRCP 16.1. Having reviewed the matter and parties are in agreement, the Court Grants the following:

Discovery Cut Off: March 18, 2021  
Amend Plea/ Add Parties: December 18, 2020  
Initial Disclosures: December 18, 2020  
Rebuttal Disclosure: January 18, 2021  
Dispositive Motion: March 18, 2021  
Trial Stack: June 28, 2021  
Calendar Call: June 3, 2021

A Scheduling Order will follow.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**May 25, 2021**

---

A-19-800435-C      Jesus Mejia, Plaintiff(s)  
vs.  
Gravady Nevada LLC, Defendant(s)

---

**May 25, 2021      9:00 AM      Motion for Summary  
Judgment**

**HEARD BY:** Krall, Nadia      **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Alice Jacobson

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

**PRESENT:**      Howard, Kenneth R.      Attorney  
Simonsen, Evan K.      Attorney

**JOURNAL ENTRIES**

- Following arguments by counsel regarding assumption of risk. COURT ORDERED, motion DENIED. Mr. Hoyt to prepare the order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**July 08, 2021**

---

A-19-800435-C      Jesus Mejia, Plaintiff(s)  
vs.  
Gravady Nevada LLC, Defendant(s)

---

**July 08, 2021      9:00 AM      Status Check**

**HEARD BY:** Krall, Nadia      **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Sandra Matute

**RECORDER:** Melissa Burgener

**REPORTER:**

**PARTIES**

**PRESENT:**      Simonsen, Evan K.      Attorney  
                         Tiberi, Phillip V      Attorney

**JOURNAL ENTRIES**

- Upon the Court's inquiry, Mr. Simonsen stated his client has not been able to do the Rule 35 Exam, however, there is a new potential date, and is waiting to hear back from his client. Mr. Simonsen further stated there was a discussion on a potential site inspection, and has reached out to his expert. Mr. Simonsen advised the Court he does not foresee any issues with the deadlines purposed, and part of the reason for the request for extension, is that he will be out on paternity leave during the months of August and September. COURT ORDERED, counsel resubmit Stipulation and Order; matter SET for a Status Check.

10/14/21 9:00AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**October 14, 2021**

---

A-19-800435-C	Jesus Mejia, Plaintiff(s)
	vs.
	Gravady Nevada LLC, Defendant(s)

---

**October 14, 2021      9:00 AM      Status Check: Discovery**

**HEARD BY:** Krall, Nadia      **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Michelle Jones

**RECORDER:** Melissa Burgener

**REPORTER:**

**PARTIES**

**PRESENT:**      Tiberi, Phillip V      Attorney

**JOURNAL ENTRIES**

- Parties present via BlueJeans. Also present: David Finegold, Esq.

Court noted the Initial Expert disclosures are on November 18th and inquired as to the status of discovery. Mr. Finegold advised they recently held the IME and he believes they will need an additional 60 days for the experts. Mr. Finegold further stated Evan Simonsen is no longer with his firm and the case has not been reassigned to another associate yet. Court noted the JCCR was filed February 2020 and there have been two requests for continuance in this case already. Upon the Court's inquiry, Mr. Tiberi stated he has no opposition to the requested as they have worked well with opposing counsel. Court Noted the ruled, and Advised if the parties want to submit a stipulation and order the Court would sign it. COURT ADVISED this would be the last continuance for this case.



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

**PHILLIP V. TIBERI**  
**2881 BUSINESS PARK CT., SUITE 200**  
**LAS VEGAS, NV 89128-9020**

**DATE: April 6, 2022**  
**CASE: A-19-800435-C**

**RE CASE:** JESUS MEJIA vs. GRAVADY NEVADA, LLC; CIRCUSTRIX, LLC; ASSAF NEVADA, INC.

NOTICE OF APPEAL FILED: April 4, 2022

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

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

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

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

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

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

*\*\*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):

GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S NOTICE OF APPEAL; GRAVADY NEVADA, LLC AND CIRCUSTRIX, LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JESUS MEJIA,

Plaintiff(s),

vs.

GRAVADY NEVADA, LLC; CIRCUSTRIX, LLC; ASSAF NEVADA, INC.,

Defendant(s),

Case No: A-19-800435-C

Dept No: IV

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 6 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

