

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

**GRAVADY NEVADA, LLC A NEVADA
LIMITED LIABILITY COMPANY, AND
CIRCUSTRIX, LLC, A UTAH LIMITED
LIABILITY COMPANY,
Appellants,
vs.
JESUS MEJIA, AN INDIVIDUAL,
Respondent.**

No. 84515

Electronically Filed
May 13 2022 02:16 p.m.
Elizabeth N. Brown
Clerk of Supreme Court

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 4
County Clark Judge Nadia Krall
District Ct. Case No. A800435

2. Attorney filing this docketing statement:

Attorney Nicholas F. Adams Telephone (702) 251-4100
Firm Wood Smith Henning & Berman, LLP
Address 2881 Business Park Court, Suite 200
Las Vegas, Nevada 89128

Client(s) Gravady Nevada, LLC and Circustrix, LLC

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Kimball J. Jones Telephone (702) 935-6209
Firm Bighorn Law
Address 3675 W Cheyenne Ave
North Las Vegas, NV 89032

Client(s) Jesus Mejia

Attorney Jared B. Anderson Telephone (702) 868-8888
Firm Injury Lawyers of Nevada
Address 4001 Meadows Lane
Las Vegas, NV 89107

Client(s) Jesus Mejia

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input checked="" type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Denial of MSJ</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Currently there is a writ for mandamus presently before this Court. Gravady Nevada, LLC, et. al. v. Eighth Judicial District Court of the State of Nevada, In and For the County of Clark; and the Honorable Judge Nadia Krall, et. al. Docket Number 84534.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

District Court A800435 is currently pending.

8. Nature of the action. Briefly describe the nature of the action and the result below:

Jesus Mejia alleges that he was injured at a trampoline park in Las Vegas, Nevada. Petitioners allege that Mr. Mejia has waived his right to sue for liability against Petitioners since there was a valid waiver that was executed by Mr. Mejia before he used the trampoline park.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the district court failed to apply Nevada law by denying the Petitioner's motion for summary judgment, where there was no factual dispute that Plaintiff had executed a waiver that contained a release of liability and covenant not to sue for negligence.
2. Whether the district court failed to apply Nevada law when the court accepted that whether a plaintiff assumed the risk is question of fact under Renaud.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

We are unaware of any other pending proceedings raising similar issues before this Court.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

The Supreme Court has presumptively retained this matter. This matter falls under NRAP 17(a)(12).

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
We do not intend to file a motion to disqualify or have a justice recuse him/herself.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from June 3, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served June 3, 2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed April 4, 2022

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 21(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRAP 21(a)</u> | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order:

This authority provides a basis for writ of mandamus which is the relief sought.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Jesus Mejia (Plaintiff)

Gravady Nevada, LLC (Defendants)

Circustrix, LLC (Defendants)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

All parties in the district court are parties to this appeal.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Jesus Mejia is claiming negligence, negligence per se, and negligent hiring and supervision against Gravady Nevada, LLC and Circus Trix, LLC.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

☒ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

Jesus Mejia (Plaintiff)

Gravady Nevada, LLC (Defendants)

Circustrix, LLC (Defendants)

(b) Specify the parties remaining below:
Jesus Mejia (Plaintiff)
Gravady Nevada, LLC (Defendants)
Circustrix, LLC (Defendants)

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?






☐ Yes

☒ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Petitioners are seeking a writ of mandamus.

27. Attach file-stamped copies of the following documents:

-  The latest-filed complaint, counterclaims, cross-claims, and third-party claims
-  Any tolling motion(s) and order(s) resolving tolling motion(s)
-  Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
-  Any other order challenged on appeal
-  Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Gravady Nevada & Circustrix
Name of appellant

Nicholas F. Adams
Name of counsel of record

5/13/2022
Date

/s/ Nicholas F. Adams
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 13th day of May, 2022, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Kimball J. Jones
Bighorn Law
3675 W Cheyenne Ave
North Las Vegas, NV 89032

Jared B. Anderson
Injury Lawyers of Nevada
4001 Meadows Lane
Las Vegas, NV 89107

Dated this 13th day of May, 2022

/s/Jeanne L. Calix
Signature

SUMMONS

KIMBALL JONES, ESQ.

Nevada Bar No. 12982

JOSHUA P. BERRETT, ESQ.

Nevada Bar No. 12697

BIGHORN LAW

716 S. Jones Blvd.

Las Vegas, Nevada 89107Ok

Tel.: (702) 333-1111

Email: Josh@BighornLaw.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

JESUS MEJIA, an individual,

Plaintiff,

v.

CASE NO: A-19800435-C

DEPT. NO: 4

GRAVADY NEVADA, LLC;
CIRCUSTRIX, LLC.; ASSAF NEVADA,
INC.; DOE PROPERTY OWNER I-V; ROE
PROPERTY OWNER I-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.

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

1 **TO THE DEFENDANT.** A Civil Complaint has been filed by the plaintiff(s) against you for
2 the relief set forth in the Complaint.

3 ~~GRAVADY NEVADA, LLC~~

4 1. If you intend to defend this lawsuit, within 20 days after this Summons is
5 served on you exclusive of the date of service, you must do the following:

- 6 a. File with the Clerk of this Court, whose address is shown below, a
7 formal written response to the Complaint in accordance with the rules
8 of the Court.
b. Serve a copy of your response upon the attorney whose name and
address is shown below.

9 2. Unless you respond, your default will be entered upon application of the
10 plaintiff(s) and this Court may enter a judgment against you for the relief demanded
11 in the Complaint, which could result in the taking of money or property or other
relief requested in the Complaint


12 3. If you intend to seek the advice of an attorney in this matter, you should do
13 so promptly so that your response may be filed on time.

14 Issued at the direction of:

15 **BIGHORN LAW**

16 **CLERK OF COURT**

17
18 By: /s/ Joshua P. Berrett, Esq.
19 **JOSHUA P. BERRETT, ESQ.**
20 Nevada Bar No. 12982
21 716 S. Jones Blvd.
22 Las Vegas, NV 89107
23 *Attorneys for Plaintiff*

24
25 By:  9/16/2019
26 **Deputy Clerk**
27 **County Courthouse**
28 **200 Lewis Avenue**
Las Vegas, NV 89101
Alexander Banderas



CASE NO: A-19-800435-C
Department 4

1 **COMP**
2 **KIMBALL JONES, ESQ.**
3 Nevada Bar No.: 12982
4 **JOSHUA P. BERRETT, ESQ.**
5 Nevada Bar No.: 12697
6 **BIGHORN LAW**
7 716 S. Jones Blvd.
8 Las Vegas, Nevada 89107
9 Phone: (702) 333-1111
10 Josh@BighornLaw.com
11 *Attorneys for Plaintiff*

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

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

CASE NO.:
DEPT. NO.:

16 GRAVADY NEVADA, LLC, a Nevada Limited
17 Liability Company; CIRCUSTRIX, LLC, a Utah
18 Limited Liability Company; ASSAF NEVADA,
19 INC., a Nevada Corporation; DOE PROPERTY
20 OWNER I-V; ROE PROPERTY OWNER I-V;
21 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

22 Defendants.
23

24 **COMPLAINT**

25 COMES NOW Plaintiff JESUS MEJIA by and through his counsel, KIMBALL JONES,
26 ESQ. and JOSHUA P. BERRETT, ESQ., of the Law Firm of BIGHORN LAW, and for his
27 causes of action against Defendants, and each of them, alleges as follows:
28

1. That Plaintiff JESUS MEJIA (hereinafter referred to as "JESUS" or "PLAINTIFF"), was at all times relevant to this action a resident of Clark County, Nevada.
2. Upon information and belief, that at all times relevant to this action, Defendant GRAVADY NEVADA, LLC. (hereinafter referred to as "Defendant GRAVADY") is and was a domestic, Nevada limited liability company, doing business in Clark County, Nevada.
3. Upon information and belief, that at all times relevant to this action, Defendant CIRCUSTRIX, LLC (hereinafter referred to as "Defendant CIRCUSTRIX") is and was a Utah limited liability company doing business in Clark County, Nevada.
4. Upon information and belief, that at all times relevant to this action, Defendant ASSAF NEVADA, INC. (hereinafter referred to as "Defendant ASSAF") is and was a domestic Nevada corporation doing business in Clark County, Nevada.
5. That the true names and capacities, whether individual, corporate, partnership, associate or otherwise, of Defendants, DOES I through V, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of Defendants designated herein as DOE is responsible in some manner for the events and happenings referred to and caused damages proximately to Plaintiff as herein alleged, and that Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and capacities of DOES I through V when the same have been ascertained and to join such Defendants in this action.
6. PLAINTIFF is informed and believes and thereon alleges that each of Defendants designated herein as ROE ENTITIES I-V are responsible in some manner for the events and happenings referred to and caused damages proximately to PLAINTIFF as herein alleged, and that PLAINTIFF will ask leave of this Court to amend this Complaint to insert the true names and

1 capacities of ROE ENTITIES I through V when the same have been ascertained and to join
2 such defendants in this action.

3 7. Plaintiff is informed, believe and thereupon allege that the Defendants designated herein as
4 DOES I through V and/or ROE ENTITIES I through V, inclusive, are any one of the following:
5

6 (a) Parties responsible in some manner for the events and happenings herein referred to
7 that caused injuries and damages proximately thereby to Plaintiff as herein alleged;

8 (b) Parties that are the agents, servants, employees and/or contractors of the Defendants,
9 each of them acting within the course and scope of their agency, employment or contract;
10

11 (c) Parties that own, lease, manage, operate, secure, inspect, repair, maintain and/or are
12 responsible for the Premises referred to herein;

13 (d) Parties that have assumed or retained the liabilities of any of Defendants by virtue of an
14 agreement, sale, transfer or otherwise; and/or
15

16 (e) Parties responsible for the design, manufacture, and/or installation of the flooring of the
17 Premises at issue herein.

18 8. That the true names and capacities, whether individual, corporate, partnership, associate or
19 otherwise, of Defendants DOE PROPERTY OWNER I through V are unknown to
20 PLAINTIFF, who therefore sues said Defendants by such fictitious names.
21

22 9. That the true names and capacities, whether individual, corporate, partnership, associate or
23 otherwise, of Defendants ROE PROPERTY OWNER I through V are unknown to
24 PLAINTIFF, who therefore sues said Defendants by such fictitious names.
25

26 10. That the true names and capacities, whether individual, corporate, partnership, associate or
27 otherwise, of Defendants ROE MAINTENANCE COMPANY I through V are unknown to
28 PLAINTIFF, who therefore sues said Defendants by such fictitious names.

- 1 11. That the true names and capacities, whether individual, corporate, partnership, associate or
2 otherwise, of Defendants ROE PROPERTY MANAGEMENT COMPANY I through V are
3 unknown to PLAINTIFF, who therefore sues said Defendants by such fictitious names.
4
- 5 12. That the true names and capacities, whether individual, corporate, partnership, associate or
6 otherwise, of Defendants DOE MAINTENANCE WORKER I through V are unknown to
7 PLAINTIFF, who therefore sues said Defendants by such fictitious names.
8
- 9 13. That the true names and capacities, whether individual, corporate, partnership, associate or
10 otherwise, of Defendants DOE PROPERTY MANAGER I through V are unknown to
11 PLAINTIFF, who therefore sues said Defendants by such fictitious names.
12
- 13 14. That the true names and capacities, whether individual, corporate, partnership, associate or
14 otherwise, of Defendants DOE EMPLOYEE I through V are unknown to PLAINTIFF, who
15 therefore sues said Defendants by such fictitious names.
16
- 17 15. That the true names and capacities, whether individual, corporate, partnership, associate or
18 otherwise, of Defendants DOE MANAGER I through V are unknown to PLAINTIFF, who
19 therefore sues said Defendants by such fictitious names.
20
- 21 16. That the true names and capacities, whether individual, corporate, partnership, associate or
22 otherwise, of Defendants ROE EMPLOYER I through V are unknown to PLAINTIFF, who
23 therefore sues said Defendants by such fictitious names.
24
- 25 17. That the true names and capacities, whether individual, corporate, partnership, associate or
26 otherwise, of Defendants DOE EQUIPMENT INSTALLER I through V are unknown to
27 PLAINTIFF, who therefore sues said Defendants by such fictitious names.
28

- 1 18. That the true names and capacities, whether individual, corporate, partnership, associate or
2 otherwise, of Defendants ROE EQUIPMENT INSTALLATION COMPANY I through V are
3 unknown to PLAINTIFF, who therefore sues said Defendants by such fictitious names.
4
- 5 19. That the true names and capacities, whether individual, corporate, partnership, associate or
6 otherwise, of Defendants ROE COMPANIES I through V are unknown to PLAINTIFF, who
7 therefore sues said Defendants by such fictitious names.
8
- 9 20. That upon information and belief, at all times relevant to this action, Defendants GRAVADY
10 NEVADA and/or ASSAF and/or DOE PROPERTY OWNER and/or ROE PROPERTY
11 OWNER and/or ROE EMPLOYER and/or ROE PROPERTY MANAGEMENT COMPANY
12 and/or ROE COMPANY, and each of the Defendants, were the owners and/or lessees of the
13 property located at or about 7350 Prairie Falcon Rd., #120 Las Vegas, NV (hereinafter referred
14 to as "the Premises") and occupied, operated, maintained and controlled the Premises where
15 it/they actively conducted a trampoline and/or adventure park.
16
- 17 21. That upon information and belief, at all times relevant to this action, Defendants GRAVADY
18 NEVADA, LLC., and/or CIRCUSTRIX and/or ASSAF and/or DOE PROPERTY OWNER
19 and/or ROE PROPERTY OWNER and/or ROE EMPLOYER and/or ROE PROPERTY
20 MANAGEMENT COMPANY and/or ROE COMPANY and/or DOE EQUIPMENT
21 INSTALLER and/or ROE EQUIPMENT INSTALLATION COMPANY and/or ROE
22 EMPLOYER and/or DOE EMPLOYEE and/or DOE MANAGER and/or DOE
23 MAINTENANCE WORKER and/or ROE MAINTENANCE COMPANY and each of the
24 Defendants, installed, constructed, maintained and controlled trampoline equipment at the
25 Premises, to be used as a trampoline and/or adventure park.
26
27
28

- 1 22. That upon information and belief, Defendants GRAVADY NEVADA, LLC and/or
2 CIRCUSTRIX and/or ASSAF and/or ROE PROPERTY OWNER and/or DOE PROPERTY
3 OWNER and/or ROE EMPLOYER and/or ROE PROPERTY MANAGEMENT COMPANY
4 and/or ROE COMPANY were the owners or lessees of the trampoline areas situated on or
5 about the Premises controlled by Defendants for use by its guests, and Defendants constructed,
6 occupied, operated, maintained and controlled the same.
7
- 8 23. That on or about August 1, 2018, Defendants, and each of them, owed PLAINTIFF a duty to
9 construct, keep and maintain the Premises in a manner as to be free of dangerous hazards,
10 conditions and/or defects, and reasonably safe.
11
- 12 24. That at all times complained of herein, Defendants, and each of them, owed a duty of care to
13 PLAINTIFF to warn PLAINTIFF of dangerous hazards, conditions and/or defects.
14
- 15 25. That on or about August 1, 2018, and for some time prior thereto, Defendants, and each of the
16 Defendants (by and through their authorized agents, servants, and employees, acting within the
17 course and scope of their employment), negligently and carelessly owned, constructed,
18 maintained, operated, occupied, and controlled the Premises in a manner that created and/or
19 became an unreasonably dangerous hazard to patrons.
20
- 21 26. That on or about August 1, 2018, and for some time prior thereto, Defendants, and each of the
22 Defendants, failed to maintain the aforesaid premises in a reasonably safe condition; and that
23 these Defendants, and each of them, negligently, carelessly and recklessly failed to inspect,
24 repair and correct the dangerous and hazardous condition, and/or warn PLAINTIFF of the
25 defect therein.
26
- 27 27. That on or about August 1, 2018, Plaintiff, while a guest at the Premises, and while utilizing
28 the services and accommodations therein, suffered a fall and sustained serious injuries.

1 28. Defendants, and each of them, negligently and carelessly failed to maintain the aforesaid
2 premises in a reasonably safe condition, free of hazardous and dangerous conditions; and
3 failed to warn Plaintiff of said condition.

4
5 29. Defendants, and each of them, breached a duty owed to Plaintiff, by at least the following
6 careless and negligent acts, inter alia:

- 7 a. Failure to provide a safe premises for Plaintiff;
- 8 b. Failure to warn Plaintiff of the dangerous and hazardous condition then and there
9 existing in the Premises;
- 10 c. Failure to properly and adequately inspect said premises to discover the hazardous and
11 dangerous condition;
- 12 d. Failure to properly and adequately construct, control, inspect and/or maintain said
13 premises to discover the hazardous and dangerous condition and/or defect then and there
14 existing within the Premises;
- 15 e. Failure to properly inform and prepare Plaintiff for the dangers posed by the inherently
16 dangerous and hazardous activities taking place on the Premises;
- 17 f. Failure to properly hire, train, monitor, and supervise all employees to ensure that they
18 properly maintain, and inspect the area of the Premises and/or property warn, inform
19 and prepare patrons and customer of and for the dangers existing on the Premises; and
20 g. Violations of certain statutes, ordinances and building codes, which Plaintiff prays
21 leave of Court to insert the exact statutes or ordinances or codes at the time of the trial.
22

23
24
25 30. As a direct and proximate result of the negligence and carelessness of Defendants, and each
26 of them, Plaintiff has been caused to incur medical expenses, and will in the future be caused
27 to expend monies for medical expenses and additional monies for miscellaneous expenses
28

1 incidental thereto, in a sum presently unascertainable. Plaintiff will pray leave of Court to
2 insert the total amount of the medical and miscellaneous expenses when the same have been
3 fully determined at the time of trial of this action.

4
5 31. That as a result of the incident, PLAINTIFF suffered damages in excess of \$15,000.00.

6 32. That this Court has subject matter jurisdiction over this matter pursuant to NRS 4.370(1), as
7 the matter in controversy exceeds \$15,000.00, exclusive of attorney's fees, interest, and costs.

8 33. That this Court has personal jurisdiction in this matter, as the incidents, transactions and
9 occurrences that comprise the basis of this lawsuit took place in Clark County, Nevada.
10

11 **FIRST CAUSE OF ACTION**

12 34. As and for his First Cause of Action, Plaintiff repeats and re-alleges each and every
13 allegation contained in the paragraphs above as though fully set forth herein and further
14 alleges:
15

16 35. That because of the acts and/or omissions of Defendants and each of them, Plaintiff has
17 suffered severe and permanent injuries.

18 36. At all times complained of herein, Defendants, and each of them, were under a duty to use
19 reasonable care in the conduct of their joint venture and responsibilities and efforts in
20 providing management, supervision, maintenance, control and/or repair of the Premises, and
21 Defendants, and each of them, breached their duties.
22

23 37. At all times complained of herein, Defendants, and each of them, owed a duty of care to
24 PLAINTIFF to maintain the Premises in a condition and manner as to be free of dangerous
25 hazards or conditions.
26

27 38. At all times complained of herein, Defendants, and each of them, owed a duty of care to
28 PLAINTIFF to warn PLAINTIFF of dangerous hazards or conditions.

1 39. That upon information and belief, Defendants, and each of them, breached these duties owed
2 to PLAINTIFF by creating and/or knowingly, negligently, and/or recklessly allowing
3 dangerous hazards and/or conditions to exist and remain on the Premises prior to
4 PLAINTIFF's incident and by intentionally, knowingly, negligently, and/or recklessly failing
5 to correct and/or remedy the dangerous hazard and/or condition and/or by failing to warn
6 PLAINTIFF of the existence of the dangerous hazard and/or condition.
7

8 40. That Defendants, and each of them, at the time of the incident were negligent and careless
9 or grossly negligent in the following particulars, but not limited to:
10

- 11 a. Failing to adequately control, inspect, secure and/or maintain the Premises in a
12 reasonably safe condition.
- 13 b. Failing to adequately warn and/or protect Plaintiff from stepping, walking, jumping,
14 landing or falling on the dangerous condition on the Premises.
- 15 c. Failing to warn and/or make known the dangerous conditions.
- 16 d. Failing to respond to prior complaints regarding the dangerous condition and remedy
17 the dangerous condition.
- 18 e. Showing reckless disregard for the safety of others, including the Plaintiff.
19

20 41. That Defendants, and each Defendant, had a duty of reasonable care in maintaining the Premises,
21 particularly the trampoline area, which is the subject of this incident, to make sure it was safe
22 and free of dangerous hazards and/or conditions.
23

24 42. Said injuries sustained by Plaintiff were the direct and proximate result of Defendants', and each
25 Defendant's, breach of its and their duties under the law and that Plaintiff's injuries were not a
26 result of any negligence on Plaintiff's part.
27
28

1 43. That Defendants, and each Defendant, negligently, carelessly and/or recklessly cared for the
2 subject area of the Premises by inadequately and/or improperly maintaining, inspecting,
3 controlling and/or supervising the area of the Premises. This action and/or inaction thereby
4 created a dangerous condition; a condition that Defendants, and each of them knew or should
5 have known was unreasonably dangerous.
6

7 44. In addition to their direct liability, Defendants, and each of them, were and are vicariously
8 liable for the acts and omissions of any staff, agents, apparent agents, servants, contractors,
9 employees or consultants, independent contractors, or singular persons or entities, whether in-
10 house or outside, which in any manner caused or contributed to Plaintiff's harm and damage.
11

12 45. That as a direct and proximate result of the Defendants' negligence, and each of them,
13 Plaintiff was seriously injured and caused to suffer great pain of body and mind in an
14 amount in excess of fifteen thousand dollars (\$15,000.00) in general damages.
15

16 46. As a result of the Defendants' negligence, and each of them, Plaintiff has suffered serious
17 injuries to his person, which injuries have required and will still require treatment and care
18 and from which Plaintiff has suffered pain, discomfort, irritation, upset, embarrassment,
19 reduced mental activity, reduced physical activity and the inability to live his life in the
20 manner it was conducted prior to the injury.
21

22 47. As further direct and proximate result of Defendants' negligence, and each of them, Plaintiff has
23 been forced to incur and continues to incur medical expenses for treatment for his injuries in an
24 amount in conformance to proof at trial. Plaintiff may incur future medical expenses as well in
25 an amount as not yet ascertained, but in an amount in excess of fifteen thousand dollars
26 (\$15,000.00).
27
28

1 48. By reason of the premises, and as a direct and proximate result of the aforesaid negligence
2 and carelessness of Defendants, and each of them, PLAINTIFF has been caused to expend
3 monies for medical and miscellaneous expenses, and will in the future be caused to expend
4 additional monies for medical expenses and miscellaneous expenses incidental thereto, in a
5 sum not yet presently ascertainable, and leave of Court will be requested to include said
6 additional damages when the same have been fully determined.
7

8 49. Prior to the injuries complained of herein, PLAINTIFF was an able-bodied individual, capable
9 of being gainfully employed and capable of engaging in all other activities for which
10 PLAINTIFF was otherwise suited. By reason of the premises, and as a direct and proximate
11 result of the negligence of the said Defendants, and each of them, PLAINTIFF was caused to
12 be disabled and limited and restricted in his occupations and activities, which PLAINTIFF
13 pray leave of Court to insert herein when the same shall be fully determined.
14

15 50. That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this
16 action and he is, therefore, entitled to reasonable attorney's fees and costs of this action,
17 and prejudgment interest herein.
18

19 **SECOND CAUSE OF ACTION**
20

21 51. As and for his Second Cause of Action, Plaintiff repeats and re-alleges each and every
22 allegation contained in the paragraphs above as though fully set forth herein and further
23 alleges:
24

25 52. That floor and/or ground and/or trampoline maintenance and repair safety standards, laws,
26 codes, rules, regulations, and/or ordinances have been violated by the Defendants, and each
27 of them. Plaintiff prays leave of Court to insert the exact standards, statutes, ordinances, laws,
28

1 codes, regulations and/or rules at the time of the trial. Violation of the ordinance and/or
2 statutes, etc., proximately caused the injuries and damages described herein.

3 53. That Plaintiff is among the class of persons that the standards, laws, codes, rules, regulations,
4 and/or ordinances are designed to protect.

5 54. That Plaintiff's injuries and damages are of the class that the standards, laws, codes, rules,
6 regulations, and/or ordinances are designed to prevent.

7 55. That Defendants' negligence per se is imputed by operation of the standards, laws, codes, rules,
8 regulations, and/or ordinances.

9 56. The injuries and damages sustained by Plaintiff resulted directly and proximately from
10 improperly maintained premises owned and/or operated by the Defendants, and each of them,
11 in violation of the standards, laws, codes, rules, regulations, and/or ordinances, and not from
12 any negligence of Plaintiff.

13 57. That as a direct and proximate result of Defendants' negligence per se, and each of them,
14 Plaintiff has and will continue to incur medical expenses and/or other special damages in an
15 amount according to proof at trial.

16 58. That as a further direct and proximate cause of Defendants' negligence per se, and each of
17 them, Plaintiff has and will continue to experience pain and suffering and has and will incur
18 other general damages in an amount in excess of fifteen thousand dollars (\$15,000.00).

19 59. That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this
20 action and he is, therefore, entitled to reasonable attorney's fees and costs of this action, and
21 prejudgment interest herein.

22
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24
25
26
27 **THIRD CAUSE OF ACTION**

28 60. As and for his Third Cause of Action, Plaintiff repeats and re-alleges each and every allegation

1 contained in paragraphs above as through fully set forth herein and further alleges:

2 61. That Defendants, and each Defendant, had a duty to properly hire, train, monitor, and
3 supervise all employees to ensure that they properly maintain, and inspect the area of the
4 Premises which is the subject of this incident.
5

6 62. That at all times pertinent hereto, Defendants, and each Defendant, breached their above-
7 referenced duties including proper hiring, training, supervising, and monitoring of their
8 employees, particularly the employees responsible for inspecting, and maintaining the area of
9 the Premises which is the subject of this incident.
10

11 63. That as a direct and proximate result of the Defendant's negligence Plaintiff suffered trauma
12 and other physical injuries and great pain of body and mind in an amount in excess of fifteen
13 thousand dollars (\$15,000.00) in general damages.
14

15 64. As a direct of the Defendants' negligence, Plaintiff has suffered severe injuries to his person,
16 which injuries have required and still require medical treatment and care and from which the
17 Plaintiff has suffered pain and the inability to live his full life in the manner it was conducted
18 prior to the incident.
19

20 65. As further and proximate result of Defendants' negligence, and each of them, Plaintiff has
21 suffered severe injuries and has been forced to incur and continues to incur medical expenses
22 for treatment of his injuries in an amount in conformance to proof at trial. Plaintiff will incur
23 future medical expenses as well in an amount as not yet ascertained, but in an amount excess
24 of fifteen thousand dollars (\$15,000.00).
25

26 66. By reason of the premises, and as a direct and proximate result of the aforesaid negligence
27 and carelessness of Defendants, and each of them, PLAINTIFF has been caused to expend
28 monies for medical and miscellaneous expenses, and will in the future be caused to expend

1 additional monies for medical expenses and miscellaneous expenses incidental thereto, in a
2 sum not yet presently ascertainable, and leave of Court will be requested to include said
3 additional damages when the same have been fully determined.

4
5 67. Prior to the injuries complained of herein, PLAINTIFF was an able-bodied individual, capable
6 of engaging in all other activities for which PLAINTIFF was otherwise suited. By reason of
7 the premises, and as a direct and proximate result of the negligence of the said Defendants,
8 and each of them, PLAINTIFF was caused to be disabled and limited and restricted in his
9 occupations and activities, which PLAINTIFF pray leave of Court to insert herein when the
10 same shall be fully determined.

11
12 68. That Plaintiff has been compelled to retain the services of an attorney to prosecute this action
13 and is, therefore, entitled to reasonable attorneys' fees and costs incurred herein.

14 **PRAYER FOR RELIEF**

15
16 WHEREFORE, PLAINTIFF respectfully request that this Court enter the following
17 relief against Defendants, and each of Defendants herein, as follows:

- 18 1. General damages for PLAINTIFF in an amount in excess of \$15,000.00;
19
20 2. Special damages for PLAINTIFF'S medical and miscellaneous expenses, plus future
21 medical expenses and the miscellaneous expenses incidental thereto in a presently
22 unascertainable amount;
23
24 3. For compensatory damages in excess of \$15,000.00;
25
26 4. Costs of this suit;
27 5. Attorney's fees; and

28 ///

///

1 6. For such and further relief as to the Court may seem just and proper.

2
3 DATED this 19th day of August, 2019.

4 **BIGHORN LAW**

5 By: /s/ Joshua P. Berrett, Esq.

6 **KIMBALL JONES, ESQ.**

7 Nevada Bar No.: 12982

8 **JOSHUA P. BERRETT, ESQ.**

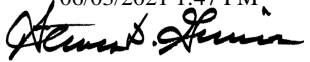
9 Nevada Bar No.: 12697

10 **BIGHORN LAW**

11 716 S. Jones Blvd.

12 Las Vegas, Nevada 89107

13 Attorneys for Plaintiff


CLERK OF THE COURT

1 **ODM**

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3 Nevada Bar No. 6146

4 Kyle J. Hoyt, Esq.

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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 25th 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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Case No. A-19-800435-C
Mejia v. Gravady Nevada, LLC, et al.

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 2nd day of June, 2021.

Dated this 2nd 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

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Nevada Bar No. 12697
EVAN K. SIMONSEN, ESQ.
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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>
Sent: Wednesday, June 2, 2021 12:37 PM
To: Kyle J. Hoyt <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



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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

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18 Kimberly Amy

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19 Kyle Hoyt

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20 Phillip Tiberi

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25 Evan Simonsen

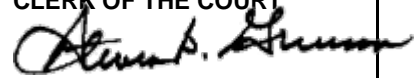
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1 **NEOJ**

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3 Nevada Bar No. 6146

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11 ptiberi@wshblaw.com

12 khyot@wshblaw.com

13 Attorneys for Defendants Gravady Nevada, LLC

14 and CircusTriX, LLC

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 JESUS MEJIA, an individual,

18 Plaintiff,

19 v.

20 GRAVADY NEVADA, LLC, a Nevada
21 Limited Liability Company; CIRCUSTRIX,
22 LLC, a Utah Limited Liability Company;
23 ASSAF NEVADA, INC., a Nevada
24 Corporation; DOE PROPERTY OWNER I-V;
25 ROE PROPERTY OWNER I-V; ROE
26 MAINTENANCE COMPANY I-V; ROE
27 PROPERTY MANAGEMENT COMPANY I-
28 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

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

///

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///

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 3rd day of June, 2021

8 WOOD, SMITH, HENNING & BERMAN LLP

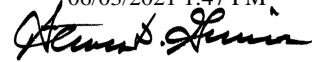
9
10 By /s/ Kyle J. Hoyt
11 PHILLIP V. TIBERI
12 Nevada Bar No. 6146
13 KYLE J. HOYT
14 Nevada Bar No. 14886
15 2881 Business Park Court, Suite 200
16 Las Vegas, Nevada 89128-9020
17 Tel. 702 251 4100

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28
Attorneys for Defendants Gravady Nevada, LLC
and CircusTriX, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd 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

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11 ptiberi@wshblaw.com

12 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 25th 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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Case No. A-19-800435-C
Mejia v. Gravady Nevada, LLC, et al.

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 2nd day of June, 2021.

Dated this 2nd day of June, 2021.

WOOD, SMITH, HENNING & BERMAN LLP

BIGHORN LAW

/s/ Kyle J. Hoyt
By: _____

/s/ Evan K. Simonsen

PHILLIP V. TIBERI, ESQ.
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KYLE J. HOYT.
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Attorneys for Defendants

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Nevada Bar No. 12697
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716 S. Jones Blvd.
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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>
Sent: Wednesday, June 2, 2021 12:37 PM
To: Kyle J. Hoyt <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



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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

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