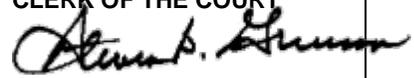


ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

Electronically Filed
10/14/2021 11:44 AM
Steven D. Grierson
CLERK OF THE COURT



1 **NOAS**
2 ROGER P. CROTEAU, ESQ.
3 Nevada Bar No. 4958
4 CHRISTOPHER L. BENNER, ESQ.
5 Nevada Bar No. 8963
6 ROGER P. CROTEAU & ASSOCIATES, LTD.
7 2810 W. Charleston Blvd., Ste. 75
8 Las Vegas, Nevada 89102
9 (702) 254-7775
10 (702) 228-7719 (facsimile)
11 croteaulaw@croteaulaw.com
12 *Attorneys for Plaintiff*

Electronically Filed
Oct 25 2021 08:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13
14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 SATICOY BAY, LLC, SERIES 6387
17 HAMILTON GROVE, a Nevada limited liability
18 company,

Case No. A-19-790247-C

19 Plaintiff,

Dept No. 17

20 vs.

NOTICE OF APPEAL

21 SURNRISE RIDGE MASTER ASSOCIATION,
22 a Nevada non-profit corporation; and NEVADA
23 ASSOCIATION SERVICES, INC., a Nevada
24 Corporation,

25 Defendants.

26 NOTICE IS HEREBY GIVEN that Defendant SATICOY BAY LLC SERIES 6387
27 HAMILTON GROVE, by and through its attorneys, Roger P. Croteau & Associates, Ltd., hereby
28 appeals to the Supreme Court of Nevada from:

(1) the Notice of Entry of Order Granting Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss or Alternatively, Motion for Summary Judgment, entered by the

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

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Eighth Judicial District Court, Clark County, Nevada, on September 16, 2021, as joined by Nevada Association Services, Inc., and all interlocutory orders therein.

Dated: This October 14, 2021.
ROGER P. CROTEAU & ASSOCIATES, LTD.
/s/ Christopher L. Benner

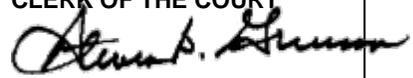
Roger P. Croteau, Esq.
Nevada Bar No. 4958
Christopher L. Benner, Esq.
Nevada Bar No. 8963
2810 W. Charleston Blvd., Suite 75
Las Vegas, Nevada 89102
Attorneys for Plaintiff

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2021 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle
An employee of
ROGER P. CROTEAU & ASSOCIATES, LTD.



1 **ASTA**
2 **ROGER P. CROTEAU, ESQ.**
3 Nevada Bar No. 4958
4 **ROGER P. CROTEAU & ASSOCIATES, LTD.**
5 2810 W. Charleston Blvd., Ste. 75
6 Las Vegas, Nevada 89102
7 (702) 254-7775
8 (702) 228-7719 (facsimile)
9 croteaulaw@croteaulaw.com
10 Attorneys for Plaintiff Saticoy Bay, LLC Series
11 6387 Hamilton Grove

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 SATICOY BAY, LLC, SERIES 6387
15 HAMILTON GROVE, a Nevada limited
16 liability company,

Case No. A-19-790247-C

17 Plaintiff,

Dept No. 17

18 vs.

19 SURNRISE RIDGE MASTER
20 ASSOCIATION, a Nevada non-profit
21 corporation; and NEVADA ASSOCIATION
22 SERVICES, INC., a Nevada Corporation,

CASE APPEAL STATEMENT

23 Defendants.

24 Defendant Saticoy Bay LLC Series 6387 Hamilton Grove, by and through its attorneys, Roger
25 P. Croteau & Associates, Ltd., submits its Case Appeal Statement.

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

27 Defendant Saticoy Bay LLC Series 6387 Hamilton Grove

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

The Honorable Jacqueline M. Bluth

1 3. **Set forth the name, law firm, address, and telephone number of all counsel on appeal**
2 **and identify the party or parties whom they represent:**

3 Saticoy Bay LLC Series 6387 Hamilton Grove, a Nevada Series Limited Liability
4 Company (“Saticoy”)

5 Roger P. Croteau, Esq.
6 Roger P. Croteau & Associates, Ltd.
7 2810 West Charleston Blvd., #75
8 Las Vegas, Nevada 89102
9 (702) 254-7775

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

13 Sunset Mesa Community Association, a Nevada Non-Profit Corporation (“Sunset”)

14 J. William Ebert, Esq.
15 Lipson Neilson P.C.
16 9900 Covington Cross Drive, Suite 120
17 Las Vegas, Nevada 89144
18 (702) 382-1500

19 Respondent’s appellate counsel is unknown at this time but will presumably be
20 Respondent’s current counsel.

21 Nevada Association Services, Inc (“NAS”)

22 Brandon E. Wood, Esq.
23 6625 S. Valley View Blvd., Suite 300
24 Las Vegas, Nevada 89118
25 (702) 804-8885

26 Respondent’s appellate counsel is unknown at this time but will presumably be
27 Respondent’s current counsel.

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

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N/A

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

Retained counsel.

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

Retained counsel.

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

N/A

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

The original Complaint in this matter was filed on February 28, 2019, in the Eighth Judicial District Court of the State of Nevada in and for Clark County, Nevada, Case No. A-19-790247-C.

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

The instant action relates to Saticoy’s claim for damages against Sunset and NAS stemming from an allegation of fraudulent or, alternatively, negligent misrepresentation on the part of the Sunset and NAS in failing to disclose to Saticoy, upon request, whether or not a superpriority payment had been made or tendered to Sunset, prior to NAS conducting a non-judicial foreclosure sale of the real property identified as 6387 Hamilton Grove Avenue, Las Vegas, Nevada 89122 (APN 161-15-711-008). Saticoy’s claims also allege statutory violations on the part of Sunset and NAS under NRS 116.113 and NRS 113.

1 After briefing by the Parties, the District Court granted Defendant Sunrise Ridge
2 Master Homeowners' Association's Motion to Dismiss or Alternatively, Motion for
3 Summary Judgment ("Motion") and NAS' Joinder thereto on September 6, 2021. The Notice
4 of Entry of Order Granting the Motion was filed and served on September 16, 2021.
5

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

9 N/A.

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

11 N/A

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

13 Appellant believes that the possibility of settlement exists.
14
15
16

Dated This October 14, 2021.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/Roger P. Croteau

Roger P. Croteau, Esq.

Nevada Bar No. 4958

2810 W. Charleston Blvd., Suite 75

Las Vegas, Nevada 89102

Attorney for Plaintiff Saticoy Bay LLC Series

6387 Hamilton Grove
22
23
24
25
26
27
28

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2021, I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle
An employee of
ROGER P. CROTEAU & ASSOCIATES, LTD.

CASE SUMMARY

CASE NO. A-19-790247-C

Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff §
(s) §
vs. §
Sunrise Ridge Master Association, Defendant(s) §
 §

Location: **Department 17**
 Judicial Officer: **Villani, Michael**
 Filed on: **02/28/2019**
 Case Number History:
 Cross-Reference Case Number: **A790247**

CASE INFORMATION

Statistical Closures
 09/22/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Intentional Misconduct**
 Case Status: **09/22/2021 Dismissed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-19-790247-C
 Court Department 17
 Date Assigned 09/07/2021
 Judicial Officer Villani, Michael

PARTY INFORMATION

Plaintiff	Saticoy Bay, LLC, Series 6387 Hamilton Grove	<i>Lead Attorneys</i> Croteau, Roger P, ESQ <i>Retained</i> 702-254-7775(W)
Defendant	Nevada Association Services, Inc.	Wood, Brandon E. <i>Retained</i> 702-804-8885(W)
	Sunrise Ridge Master Association	Ebert, John William <i>Retained</i> 702-382-1500(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

02/28/2019	 Complaint Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[1] Complaint</i>
02/28/2019	 Initial Appearance Fee Disclosure Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[2] Initial Appearance Fee Disclosure</i>
02/28/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[3] Summons - HOA</i>
02/28/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove <i>[4] Summons</i>
04/15/2019	 Initial Appearance Fee Disclosure

CASE SUMMARY

CASE NO. A-19-790247-C

- Filed By: Defendant Sunrise Ridge Master Association
[5] Sunrise Ridge Master Homeowners Association's Initial Appearance Fee Disclosure
- 04/15/2019  Motion to Dismiss-Alternative Mtn Partial Summary Judgment
Filed By: Defendant Sunrise Ridge Master Association
[6] Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment
- 04/16/2019  Clerk's Notice of Hearing
[7] Notice of Hearing
- 04/19/2019  Joinder
Filed By: Defendant Nevada Association Services, Inc.
[8] Nevada Association Services, Inc.'s Joinder to Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alertanitvely, Partial Motion for Summary Judgment
- 04/19/2019  Initial Appearance Fee Disclosure
Filed By: Defendant Nevada Association Services, Inc.
[9] Initial Appearance Fee Disclosure (NRS Chapter 19)
- 04/29/2019 Administrative Reassignment - Judicial Officer Change
To Judge Jacqueline M. Bluth
- 05/23/2019  Opposition to Motion to Dismiss
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[10] Plaintiff's Opposition to Sunrise Ridge Master Homeowners Association Motion to Dismiss
- 06/05/2019  Reply in Support
Filed By: Defendant Sunrise Ridge Master Association
[11] Defendant Sunrise Ridge Master Homeowners Association's Reply In Support of Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment
- 06/05/2019  Stipulation and Order
Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[12] Stipulation and Order
- 07/08/2020  Notice of Rescheduling of Hearing
[13] Notice of Rescheduling of Status Check
- 08/04/2020  Affidavit of Service
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[14] Affidavit of Service-NAS
- 08/04/2020  Affidavit of Service
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[15] Affidavit of Service-HOA
- 09/11/2020  Notice of Rescheduling of Hearing
[16] Notice of Rescheduling of Hearing
- 09/17/2020  Stipulation and Order
Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[17] Stipulation and Order to Continue Hearing

CASE SUMMARY

CASE NO. A-19-790247-C

- 10/29/2020  Stipulation and Order
[18] Stipulation and Order to Vacate Hearing
- 05/17/2021  Order
[19] Order Scheduling Status Check
- 06/17/2021  Stipulation and Order
Filed by: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[20] Stipulation and Order to Amend Complaint
- 06/18/2021  Status Report
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[21] STATUS REPORT PRIOR TO JUNE 22, 2021 STATUS CHECK
- 06/21/2021  Notice of Entry of Stipulation and Order
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[22] Notice of Entry of Stipulation and Order
- 06/22/2021  Amended Complaint
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[23] First Amended Complaint
- 07/06/2021  Motion To Dismiss - Alternative Motion For Summary Judgment
Filed By: Defendant Sunrise Ridge Master Association
[24] Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment
- 07/07/2021  Clerk's Notice of Hearing
[25] Notice of Hearing
- 07/08/2021  Joinder
Filed By: Defendant Nevada Association Services, Inc.
[26] Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment
- 07/20/2021  Opposition to Motion to Dismiss
Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[27] Opposition to Defendant Sunrise Ridge Master Homeowners' Association Motion to Dismiss Plaintiff's First Amended Complaint, or Alternatively, Motion for Summary Judgment and Request for NRCP 56(D) Relief and Nevada Association Services Joinder
- 08/03/2021  Reply in Support
Filed By: Defendant Sunrise Ridge Master Association
[28] Defendant Sunrise Ridge Homeowners' Association's Reply in Support of its Motion to Dismiss, or Alternatively, Motion for Summary Judgment
- 09/06/2021  Order
Filed By: Defendant Sunrise Ridge Master Association
[29] Order Granting Defendant Sunrise Ridge Master Homeowners; Association's Reply in Support of its Motion to Dismiss or Alternatively Motion for Summary Judgment
- 09/07/2021 Case Reassigned to Department 17
From Judge Jacqueline Bluth to Judge Michael Villani

CASE SUMMARY

CASE NO. A-19-790247-C

09/13/2021



Errata

Filed By: Defendant Sunrise Ridge Master Association
[30] Errata to Order Granting Defendant Sunrise Ridge Master Homeowners; Association's Reply in Support of its Motion to Dismiss or Alternatively Motion for Summary Judgment

09/16/2021



Notice of Entry

Filed By: Defendant Sunrise Ridge Master Association
[31] Notice of Entry of Order

09/22/2021



Order to Statistically Close Case

[32] Civil Order to Statistically Close Case

10/14/2021



Notice of Appeal

Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[33] Notice of Appeal

10/14/2021



Case Appeal Statement

Filed By: Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove
[34] Case Appeal Statement

DISPOSITIONS

09/06/2021

Order of Dismissal With Prejudice (Judicial Officer: Villani, Michael)
 Debtors: Saticoy Bay, LLC, Series 6387 Hamilton Grove (Plaintiff)
 Creditors: Sunrise Ridge Master Association (Defendant)
 Judgment: 09/06/2021, Docketed: 09/07/2021

HEARINGS

06/18/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

06/18/2019, 07/16/2019

Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

Per Stip and Order filed on or about the 21st day of May, 2019

Continued;

Stayed;

Journal Entry Details:

Court Inquired if there would be any prejudice or negative impact with staying this matter to see what happens in Federal Court. Statements by Mr. Croteau noting there would be no prejudice. Ms. Williams stated this would be acceptable with HOA as well. Mr. Wood indicated Nevada Association Services also would not have a problem with the Stay. There being no opposition, COURT ORDERED matter STAYED and set for status check in six months. Court Noted parties to inform the Court when they are ready to proceed with argument and decision. 01/14/19 9:00 AM STATUS CHECK: FEDERAL PROCEEDINGS ;

Per Stip and Order filed on or about the 21st day of May, 2019

Continued;

Stayed;

Journal Entry Details:

Ms. Hummel stated opposing counsel had a scheduling error, cannot make it and after speaking with their assistant Mendy requested a continuance to the next available hearing date. COURT ORDERED, matter CONTINUED. Ms. Hummel stated she will let counsel know of the date. 7-16-19 9:30 AM Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment;

01/14/2020



Status Check (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

01/14/2020, 07/15/2020

Status Check: Federal Proceedings

Matter Heard;

Matter Heard;

Journal Entry Details:

CASE SUMMARY

CASE NO. A-19-790247-C

Mr. Croteau stated the Federal case had resolved and there was a settlement with the bank. Mr. Wong requested to file a Reply. COURT ORDERED, hearing SET for oral arguments on the briefs, 9/15/20 12:00pm.;

Matter Heard;

Matter Heard;

Journal Entry Details:

Mr. Crouteau stated the appellant opening brief is due January 24th with the answering brief due February 24th and requested 6 months. COURT ORDERED, matter CONTINUED. 7-14-20 9:30 AM STATUS CHECK: FEDERAL PROCEEDINGS;

10/07/2020



Hearing (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.)

10/07/2020, 10/14/2020

Hearing Re: Motion to Dismiss

Stip and Order filed on or about: 9/15/2020

Continued;

Off Calendar;

Journal Entry Details:

Court stated notice was received parties stipulated to vacate this matter and ORDERED, proceedings OFF CALENDAR. ;

Stip and Order filed on or about: 9/15/2020

Continued;

Off Calendar;

Journal Entry Details:

Due to conflicts with today's scheduled hearing time, COURT ORDERED, matter CONTINUED one week. CONTINUED TO 10/14/2020 - 12:00 PM;

06/22/2021



Status Check: Status of Case (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Status Check: Stay

Matter Heard;

Journal Entry Details:

Mr. Pawlowski stated the Amended Complaint will be filed today or tomorrow and the stay has been lifted in the Federal Court case; further, no party has filed an Answer at this point. Upon Court's inquiry, counsel stated they may want to wait to file an Early Case Conference Report until after the dispositive motions are heard. COURT ORDERED, case is to proceed in the normal course.;

08/10/2021

Motion to Dismiss (9:30 AM) (Judicial Officer: Cherry, Michael A.)

Defendant Sunrise Ridge Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment

Granted;

08/10/2021

Joinder (9:30 AM) (Judicial Officer: Cherry, Michael A.)

Nevada Association Services, Inc.'s Joinder to Defendant Sunrise Ridge Master Homeowners' Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment

Granted;

08/10/2021



All Pending Motions (9:30 AM) (Judicial Officer: Cherry, Michael A.)

Matter Heard;

Journal Entry Details:

DEFENDANT SUNRISE RIDE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC'S JOINDER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT Following argument and statements by counsel, COURT ORDERED motion to be treated as a Motion to Dismiss, and is GRANTED under the pre- 2015 version of NRS 116 the HOA nor the NAS had an affirmative duty to disclose the existence of payments and/or attempted payment on the HOA's lien. COURT FURTHER ORDERED, the Court's reading of the prior decisions the Court can treat this as Motion to Dismiss and not a Motion for Summary Judgment and there is no Breach of Duty of Good Faith, Unjust Enrichment, Conspiracy or Punitive Damages. COURT INSTRUCTED Mr. Wong to prepare the order and submit it to the Court.;

EIGHTH JUDICIAL DISTRICT COURT
CASE SUMMARY
CASE NO. A-19-790247-C
FINANCIAL INFORMATION

DATE

Defendant Nevada Association Services, Inc.	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 10/18/2021	0.00
Defendant Sunrise Ridge Master Association	
Total Charges	623.00
Total Payments and Credits	623.00
Balance Due as of 10/18/2021	0.00
Plaintiff Saticoy Bay, LLC, Series 6387 Hamilton Grove	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 10/18/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Department 6

Case No.

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Saticoy Bay, LLC, Series 6387 Hamilton Grove c/o Roger P. Croteau & Associates, Ltd 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102	Defendant(s) (name/address/phone): Sunrise Ridge aka Sunrise Ridge Master HOA Nevada Association Services, Inc.
Attorney (name/address/phone): Roger P. Croteau, Esq. (SBN 4958) 2810 W. Charleston Blvd., Ste. 75 Las Vegas, NV 89102 702-254-7775	Attorney (name/address/phone):

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

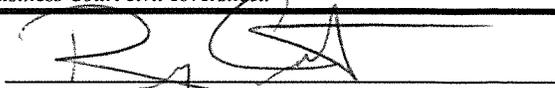
Civil Case Filing Types

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

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

2/28/19

Date


Signature of initiating party or representative

See other side for family-related case filings.

1 LIPSON NEILSON P.C.
2 J. WILLIAM EBERT, ESQ.
3 Nevada Bar No. 2697
4 JONATHAN K. WONG, ESQ.
5 Nevada Bar No. 13621
6 9900 Covington Cross Drive, Suite 120
7 Las Vegas, Nevada 89144
8 (702) 382-1500 - Telephone
9 (702) 382-1512 - Facsimile
10 bebert@lipsonneilson.com
11 jwong@lipsonneilson.com

12 *Attorneys for Defendant,*
13 *Sunrise Ridge Master Homeowners Association*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 SATICOY BAY, LLC, SERIES 6387
17 HAMILTON, a Nevada limited liability
18 company,

19 Plaintiff,

20 vs.

21 SUNRISE RIDGE MASTER
22 HOMEOWNERS' ASSOCIATION, a
23 Nevada non-profit corporation; and
24 NEVADA ASSOCIATION SERVICES,
25 INC., a Nevada corporation;

26 Defendants.

Case No.: A-19-790247-C
Dept.: VI

**ORDER GRANTING DEFENDANT
SUNRISE RIDGE MASTER
HOMEOWNERS' ASSOCIATION'S
REPLY IN SUPPORT OF ITS MOTION
TO DISMISS, OR ALTERNATIVELY,
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: August 10, 2021
Hearing Time: 9:30 a.m.

27 On August 10, 2021, Defendant Sunrise Ridge Master Homeowners
28 Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment
("Motion") came before the Court for hearing. Roger P. Croteau, Esq., appeared on
behalf of Plaintiff, and Jonathan K. Wong, Esq., appeared on behalf of defendant
Sunrise Ridge Master Homeowners Association (the "HOA"). The Court, having
reviewed all moving papers and pleadings, having heard oral argument of counsel, and
for good cause appearing therefor, FINDS AND ORDERS as follows:

\\

Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

FINDINGS OF FACT

1
2 1. On or about September 9, 2009, Salvador Partida Castillo and Veronica
3 Delgado (the "Former Owners") obtained a loan to purchase real property located at
4 6387 Hamilton Grove Ave., Las Vegas, Nevada 89122 (APN 161-15-711-008) (the
5 "Property").

6 2. The Property was subject to the HOA's Covenants, Conditions, and
7 Restrictions ("CC&Rs").

8 3. Sometime after purchasing the Property, the Former Owners defaulted on
9 their homeowners' assessments.

10 4. On December 27, 2012, Nevada Association Services ("NAS"), on behalf
11 of Sunrise Ridge Master Homeowners Association ("Sunrise Ridge"), recorded a Notice
12 of Claim of Delinquent Assessment Lien.

13 5. On January 9, 2014, NAS, on behalf of Sunrise Ridge, recorded a Notice
14 of Default and Election to Sell.

15 6. At some point prior to the recordation of the Notice of Foreclosure Sale,
16 Bank of America ("BANA"), through counsel Miles, Bauer, Bergstrom & Winters, LLP
17 ("Miles Bauer") contacted NAS and the HOA and requested a breakdown of nine (9)
18 months of common HOA assessments in order to calculate the Super Priority Lien
19 Amount.

20 7. On September 26, 2013, BANA, through Miles Bauer, provided a payment
21 of \$378.00 to NAS (the "Attempted Payment"). NAS, on behalf of Sunrise Ridge,
22 rejected BANA's attempted payment of \$378.00.

23 8. On May 20, 2014, NAS, on behalf of Sunrise Ridge, recorded a Notice of
24 Foreclosure Sale against the Property.

25 9. On July 11, 2014, NAS conducted the non-judicial foreclosure sale on the
26 Property (the "Foreclosure Sale") and recorded the Foreclosure Deed, which indicated
27 that NAS sold the HOA's interest in the Property to Plaintiff for the highest bid amount of
28 \$22,100.00.

1 3. NRS 116 establishes that homeowners' associations ("HOA" or "HOAs")
2 may impose assessments. See NRS 116.3115.

3 4. NRS 116 establishes that HOAs have a lien against units for
4 assessments. See generally NRS 116.3116.

5 5. Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

6 6. Under the version of NRS 116 in effect at the time of the Foreclosure Sale,
7 neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders
8 the existence of payments or attempted payments on the HOA's lien.

9 7. Under Nevada law, intentional misrepresentation requires three elements:
10 "(1) a false representation that is made with either knowledge or belief that it is false or
11 without a sufficient foundation, (2) an intent to induce another's reliance, and (3)
12 damages that result from this reliance." *Nelson v. Heer*, 123 Nev. 217, 225-26, 163 P.3d
13 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law
14 requires a plaintiff to show that the defendant is "one who, without exercising
15 reasonable care or competence, 'supplies false information for the guidance of others in
16 their business transactions' is liable for 'pecuniary loss caused to them by their
17 justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441,
18 449, 956 P.2d 1382, 1387 (1998) (citations omitted).

19 8. Neither Sunrise Ridge nor NAS had an affirmative duty to disclose to
20 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*
21 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was
22 appropriate on the plaintiff's negligent misrepresentation claim because the HOA
23 "neither made an affirmative false statement nor omitted a material fact it was bound to
24 disclose.").

25 9. As such, the only way a misrepresentation could have been made would
26 be for Plaintiff to have specifically inquired about whether payment was made on the
27 HOA's lien, and in response be advised specifically that no such payments had been
28 made.

1 Here, Plaintiff does not allege that Defendants made any active
2 misrepresentation; rather, he alleges only that Defendants are guilty of a material
3 omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry."
4 This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

5 10. Because there was no misrepresentation – neither intentional nor
6 negligent – Plaintiff's remaining causes of action necessarily fail to state claims upon
7 which relief can be granted.

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ORDER

In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion is GRANTED pursuant to Nevada Rule of Civil Procedure ("NRCPP") 12(b)(5), and that Plaintiff's Complaint is dismissed with prejudice and judgment entered thereon.

Dated this 6th day of September, 2021



NH

7E8 682 40D8 0DBB
Jacqueline M. Bluth
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

/s/ Jonathan K. Wong

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner

ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89148
Attorney for Plaintiff

Sydney Ochoa

From: Chris Benner <chris@croteaulaw.com>
Sent: Friday, August 27, 2021 2:12 PM
To: Jonathan Wong; Roger Croteau
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Okay, if there was no discussion of 56(d), I would infer it was moot. You can use my e-signature.

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

The information contained in this email message is intended for the personal and confidential use of the intended recipient(s) only. This message may be an attorney/client communication and therefore privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by reply email or telephone and delete the original message and any attachments from your system. Please note that nothing in the accompanying communication is intended to qualify as an "electronic signature."

From: Jonathan Wong <JWong@lipsonneilson.com>
Sent: Friday, August 27, 2021 2:07 PM
To: Chris Benner <chris@croteaulaw.com>; Roger Croteau <rcroteau@croteaulaw.com>
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Hi Chris –

The judge granted on the basis of Rule 12(b)(5) and not Rule 56, so the request for 56(d) relief never came into play. That's why it wasn't mentioned in my draft order.

That being the case, please let me know if you are OK with us submitting this order to the court without discussion of 56(d) relief. Thanks.

Jonathan K. Wong, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com
Website: www.lipsonneilson.com

From: Chris Benner <chris@croteaulaw.com>
Sent: Friday, August 27, 2021 10:48 AM
To: Jonathan Wong <JWong@lipsonneilson.com>; Roger Croteau <rcroteau@croteaulaw.com>
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Saticoy Bay, LLC, Series 6387
7 Hamilton Grove, Plaintiff(s)

CASE NO: A-19-790247-C

8 vs.

DEPT. NO. Department 17

9 Sunrise Ridge Master
10 Association, Defendant(s)

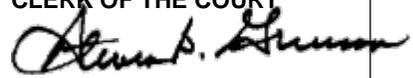
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 9/6/2021

16 J. William Ebert	bebert@lipsonneilson.com
17 Susana Nutt	snutt@lipsonneilson.com
18 Brandon Wood	brandon@nas-inc.com
19 Roger Croteau	croteaulaw@croteaulaw.com
20 Susan Moses	susanm@nas-inc.com
21 Croteau Admin	receptionist@croteaulaw.com
22 Sydney Ochoa	sochoa@lipsonneilson.com
23 Jonathan Wong	jwong@lipsonneilson.com
24 Juan Cerezo	jcerezo@lipsonneilson.com

25
26
27
28



1 LIPSON NEILSON P.C.
J. WILLIAM EBERT, ESQ.
2 Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
3 Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
4 Las Vegas, Nevada 89144
(702) 382-1500 - Telephone
5 (702) 382-1512 - Facsimile
bebert@lipsonneilson.com
6 jwong@lipsonneilson.com

7 *Attorneys for Defendant,*
Sunrise Ridge Master Homeowners Association
8

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

11 SATICOY BAY, LLC, SERIES 6387
12 HAMILTON, a Nevada limited liability
company,

13 Plaintiff,

14 vs.

15 SUNRISE RIDGE MASTER
16 HOMEOWNERS' ASSOCIATION, a
17 Nevada non-profit corporation; and
NEVADA ASSOCIATION SERVICES,
18 INC., a Nevada corporation;

19 Defendants.

Case No.: A-19-790247-C
Dept.: VI

NOTICE OF ENTRY OF ORDER

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PLEASE TAKE NOTICE that the **ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT** was filed with the court this 6th day of September, 2021, a true and correct copy of which is attached hereto.

DATED this 16th day of September, 2021.

LIPSON NEILSON P.C.

/s/ Jonathan K. Wong

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 16th day of September, 2021, I electronically served the foregoing **NOTICE OF ENTRY OF ORDER** to the following parties utilizing the Court's E-File/ServeNV System:

ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
ROGER P. CROTEAU &
ASSOCIATES, LTD.
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89148

Attorney for Plaintiff

/s/ Sydney Ochoa

An Employee of LIPSON NEILSON P.C.

1 LIPSON NEILSON P.C.
2 J. WILLIAM EBERT, ESQ.
3 Nevada Bar No. 2697
4 JONATHAN K. WONG, ESQ.
5 Nevada Bar No. 13621
6 9900 Covington Cross Drive, Suite 120
7 Las Vegas, Nevada 89144
8 (702) 382-1500 - Telephone
9 (702) 382-1512 - Facsimile
10 bebert@lipsonneilson.com
11 jwong@lipsonneilson.com

12 *Attorneys for Defendant,*
13 *Sunrise Ridge Master Homeowners Association*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 SATICOY BAY, LLC, SERIES 6387
17 HAMILTON, a Nevada limited liability
18 company,

19 Plaintiff,

20 vs.

21 SUNRISE RIDGE MASTER
22 HOMEOWNERS' ASSOCIATION, a
23 Nevada non-profit corporation; and
24 NEVADA ASSOCIATION SERVICES,
25 INC., a Nevada corporation;

26 Defendants.

27 Case No.: A-19-790247-C
28 Dept.: VI

**ORDER GRANTING DEFENDANT
SUNRISE RIDGE MASTER
HOMEOWNERS' ASSOCIATION'S
REPLY IN SUPPORT OF ITS MOTION
TO DISMISS, OR ALTERNATIVELY,
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: August 10, 2021
Hearing Time: 9:30 a.m.

29 On August 10, 2021, Defendant Sunrise Ridge Master Homeowners
30 Association's Motion to Dismiss, or Alternatively, Motion for Summary Judgment
31 ("Motion") came before the Court for hearing. Roger P. Croteau, Esq., appeared on
32 behalf of Plaintiff, and Jonathan K. Wong, Esq., appeared on behalf of defendant
33 Sunrise Ridge Master Homeowners Association (the "HOA"). The Court, having
34 reviewed all moving papers and pleadings, having heard oral argument of counsel, and
35 for good cause appearing therefor, FINDS AND ORDERS as follows:

36 \ \ \

Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

FINDINGS OF FACT

1
2 1. On or about September 9, 2009, Salvador Partida Castillo and Veronica
3 Delgado (the "Former Owners") obtained a loan to purchase real property located at
4 6387 Hamilton Grove Ave., Las Vegas, Nevada 89122 (APN 161-15-711-008) (the
5 "Property").

6 2. The Property was subject to the HOA's Covenants, Conditions, and
7 Restrictions ("CC&Rs").

8 3. Sometime after purchasing the Property, the Former Owners defaulted on
9 their homeowners' assessments.

10 4. On December 27, 2012, Nevada Association Services ("NAS"), on behalf
11 of Sunrise Ridge Master Homeowners Association ("Sunrise Ridge"), recorded a Notice
12 of Claim of Delinquent Assessment Lien.

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3 4. NRS 116 establishes that HOAs have a lien against units for
4 assessments. See generally NRS 116.3116.

5 5. Sunrise Ridge foreclosed on the Property pursuant to NRS 116.

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7 neither Sunrise Ridge nor NAS had an affirmative duty to disclose to potential bidders
8 the existence of payments or attempted payments on the HOA's lien.

9 7. Under Nevada law, intentional misrepresentation requires three elements:
10 "(1) a false representation that is made with either knowledge or belief that it is false or
11 without a sufficient foundation, (2) an intent to induce another's reliance, and (3)
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13 420, 426 (2007) (citations omitted). As for negligent misrepresentation, Nevada law
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15 reasonable care or competence, 'supplies false information for the guidance of others in
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17 justifiable reliance upon the information.'" *Barmettler v. Reno Air, Inc.*, 114 Nev. 441,
18 449, 956 P.2d 1382, 1387 (1998) (citations omitted).

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20 Plaintiff the existence of the Attempted Payment. See *Noonan v. Bayview Loan*
21 *Servicing, LLC*, 438 P.3d 335 (Nev. 2019) (finding that summary judgment was
22 appropriate on the plaintiff's negligent misrepresentation claim because the HOA
23 "neither made an affirmative false statement nor omitted a material fact it was bound to
24 disclose.").

25 9. As such, the only way a misrepresentation could have been made would
26 be for Plaintiff to have specifically inquired about whether payment was made on the
27 HOA's lien, and in response be advised specifically that no such payments had been
28 made.

1 Here, Plaintiff does not allege that Defendants made any active
2 misrepresentation; rather, he alleges only that Defendants are guilty of a material
3 omission by failing to advise Plaintiff about BANA's Attempted Payment "upon inquiry."
4 This is insufficient to state a claim for relief for Intentional/Negligent Misrepresentation.

5 10. Because there was no misrepresentation – neither intentional nor
6 negligent – Plaintiff's remaining causes of action necessarily fail to state claims upon
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ORDER

In light of the above findings of fact and conclusions of law:

IT IS HEREBY ORDERED that Sunrise Ridge's Motion is GRANTED pursuant to Nevada Rule of Civil Procedure ("NRCPP") 12(b)(5), and that Plaintiff's Complaint is dismissed with prejudice and judgment entered thereon.

Dated this 6th day of September, 2021



NH

7E8 682 40D8 0DBB
Jacqueline M. Bluth
District Court Judge

Submitted by:

LIPSON NEILSON P.C.

/s/ Jonathan K. Wong

J. WILLIAM EBERT, ESQ.
Nevada Bar No. 2697
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant

Approved as to form and content by:

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner

ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89148
Attorney for Plaintiff

Sydney Ochoa

From: Chris Benner <chris@croteaulaw.com>
Sent: Friday, August 27, 2021 2:12 PM
To: Jonathan Wong; Roger Croteau
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Okay, if there was no discussion of 56(d), I would infer it was moot. You can use my e-signature.

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

The information contained in this email message is intended for the personal and confidential use of the intended recipient(s) only. This message may be an attorney/client communication and therefore privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by reply email or telephone and delete the original message and any attachments from your system. Please note that nothing in the accompanying communication is intended to qualify as an "electronic signature."

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To: Chris Benner <chris@croteaulaw.com>; Roger Croteau <rcroteau@croteaulaw.com>
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

Hi Chris –

The judge granted on the basis of Rule 12(b)(5) and not Rule 56, so the request for 56(d) relief never came into play. That's why it wasn't mentioned in my draft order.

That being the case, please let me know if you are OK with us submitting this order to the court without discussion of 56(d) relief. Thanks.

Jonathan K. Wong, Esq.
Lipson Neilson P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144-7052
(702) 382-1500
(702) 382-1512 (fax)
E-Mail: jwong@lipsonneilson.com
Website: www.lipsonneilson.com

From: Chris Benner <chris@croteaulaw.com>
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To: Jonathan Wong <JWong@lipsonneilson.com>; Roger Croteau <rcroteau@croteaulaw.com>
Subject: RE: Saticoy Bay v. Sunrise Ridge HOA (6387 Hamilton Grove): proposed order

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Saticoy Bay, LLC, Series 6387
7 Hamilton Grove, Plaintiff(s)

CASE NO: A-19-790247-C

8 vs.

DEPT. NO. Department 17

9 Sunrise Ridge Master
10 Association, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 9/6/2021

16 J. William Ebert	bebert@lipsonneilson.com
17 Susana Nutt	snutt@lipsonneilson.com
18 Brandon Wood	brandon@nas-inc.com
19 Roger Croteau	croteaulaw@croteaulaw.com
20 Susan Moses	susanm@nas-inc.com
21 Croteau Admin	receptionist@croteaulaw.com
22 Sydney Ochoa	sochoa@lipsonneilson.com
23 Jonathan Wong	jwong@lipsonneilson.com
24 Juan Cerezo	jcerezo@lipsonneilson.com

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26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 18, 2019

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

June 18, 2019 9:30 AM Motion to Dismiss

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Hummel, Megan Attorney

JOURNAL ENTRIES

- Ms. Hummel stated opposing counsel had a scheduling error, cannot make it and after speaking with their assistant Mendy requested a continuance to the next available hearing date. COURT ORDERED, matter CONTINUED. Ms. Hummel stated she will let counsel know of the date.

7-16-19 9:30 AM Sunrise Ridge Master Homeowners Association's Motion to Dismiss, or Alternatively, Motion for Partial Summary Judgment

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

January 14, 2020

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

January 14, 2020 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Croteau, Roger P, ESQ Attorney
 Wong, Jonathan K. Attorney

JOURNAL ENTRIES

- Mr. Crouteau stated the appellant opening brief is due January 24th with the answering brief due February 24th and requested 6 months. COURT ORDERED, matter CONTINUED.

7-14-20 9:30 AM STATUS CHECK: FEDERAL PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 15, 2020

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

July 15, 2020 12:00 AM Status Check

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Alice Jacobson

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Croteau, Roger P, ESQ Attorney
 Wong, Jonathan K. Attorney

JOURNAL ENTRIES

- Mr. Croteau stated the Federal case had resolved and there was a settlement with the bank. Mr. Wong requested to file a Reply. COURT ORDERED, hearing SET for oral arguments on the briefs, 9/15/20 12:00pm.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

October 07, 2020

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

October 07, 2020 12:00 AM Hearing

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Keri Cromer

RECORDER: Norma Ramirez

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Due to conflicts with today's scheduled hearing time, COURT ORDERED, matter CONTINUED one week.

CONTINUED TO 10/14/2020 - 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

October 14, 2020

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

October 14, 2020 12:00 AM Hearing

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court stated notice was received parties stipulated to vacate this matter and ORDERED, proceedings OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 22, 2021

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

**June 22, 2021 9:30 AM Status Check: Status of
Case**

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Pawlowski, Matthew P. Attorney
Wong, Jonathan K. Attorney
Wood, Brandon E. Attorney

JOURNAL ENTRIES

- Mr. Pawlowski stated the Amended Complaint will be filed today or tomorrow and the stay has been lifted in the Federal Court case; further, no party has filed an Answer at this point. Upon Court's inquiry, counsel stated they may want to wait to file an Early Case Conference Report until after the dispositive motions are heard. **COURT ORDERED**, case is to proceed in the normal course.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 10, 2021

A-19-790247-C Saticoy Bay, LLC, Series 6387 Hamilton Grove, Plaintiff(s)
vs.
Sunrise Ridge Master Association, Defendant(s)

August 10, 2021 9:30 AM All Pending Motions

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Michelle Jones

RECORDER: Gail Reiger

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT SUNRISE RIDE HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT...NEVADA ASSOCIATION SERVICES, INC'S JOINDER TO DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT

Following argument and statements by counsel, COURT ORDERED motion to be treated as a Motion to Dismiss, and is GRANTED under the pre- 2015 version of NRS 116 the HOA nor the NAS had an affirmative duty to disclose the existence of payments and/or attempted payment on the HOA's lien. COURT FURTHER ORDERED, the Court's reading of the prior decisions the Court can treat this as Motion to Dismiss and not a Motion for Summary Judgment and there is no Breach of Duty of Good Faith, Unjust Enrichment, Conspiracy or Punitive Damages. COURT INSTRUCTED Mr. Wong to prepare the order and submit it to the Court.



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

ROGER P. CROTEAU, ESQ.
2810 W. CHARLESTON BLVD., STE. 75
LAS VEGAS, NV 89102

DATE: October 18, 2021
CASE: A-19-790247-C

RE CASE: SATICOY BAY, LLC, SERIES 6387 HAMILTON GROVE vs. SUNRISE RIDGE MASTER ASSOCIATION; MASTER ASSOCIATION SERVICES, INC.

NOTICE OF APPEAL FILED: October 14, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT SUNRISE RIDGE MASTER HOMEOWNERS' ASSOCIATION'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SATICOY BAY, LLC, SERIES 6387
HAMILTON GROVE,

Plaintiff(s),

vs.

SUNRISE RIDGE MASTER ASSOCIATION;
MASTER ASSOCIATION SERVICES, INC.,

Defendant(s),

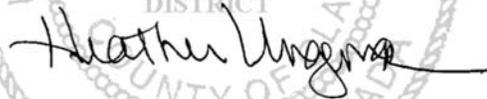
Case No: A-19-790247-C

Dept No: XVII

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 18 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

