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5 Attorney for respondent Resources Group, LLC

Electronically Filed
Nov 16 2022 03:52 PM
Elizabeth A. Brown
Clerk of Supreme Court

8 SUPREME COURT

10 STATE OF NEVADA

11 RESOURCES GROUP, LLC,,

No. 84992

13 Appellant,

14 vs.

15 U.S. BANK, NATIONAL ASSOCIATION
ND, A NATIONAL ASSOCIATION

17 Respondent.

20 **APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE**

21 Appellant Resources Group, LLC responds to the order to show cause issued by this court on
22 October 19, 2022 as follows.

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24 ///

25 ///

1 On November 15, 2022, the district court entered a stipulated order in which the court makes
2 an express finding that there is no just cause for delay of entry of final judgment and directs entry of
3 final judgment. A copy of the stipulation is attached as Exhibit 1.

4 It is respectfully submitted that this stipulated order resolves the potential jurisdictional defect
5 regarding this appeal.

6 DATED this 16th day of November 2022

7 LAW OFFICES OF
8 MICHAEL F. BOHN, ESQ., LTD.

9
10 By: /s/ /Michael F. Bohn, Esq.
11 Michael F. Bohn, Esq.
12 2260 Corporate Circle, Ste. 480
13 Henderson, Nevada 89074
14 Attorney for appellant

15 **CERTIFICATE OF SERVICE**

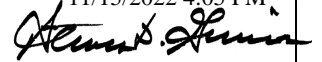
16 I hereby certify that I am an employee of Law Offices of Michael F. Bohn., Esq., and on the
17 16th day of November, 2022, an electronic copy of the RESPONSE TO ORDER TO SHOW CAUSE
18 was served on opposing counsel via the Court's electronic service system to the following counsel
19 of record:

20
21 Kristin A. Schuler-Hintz, Esq.
22 Shane P. Gale, Esq.
23 McCarthy & Holthus, LLP
24 9510 W. Sahara Ave., Ste. 200
25 Las Vegas, NV 89117
26 Attorney for respondent

27 /s/ /Maggie Lopez/
28 An Employee of the LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

EXHIBIT 1

EXHIBIT 1


CLERK OF THE COURT

SAO

MICHAEL F. BOHN, ESQ.

Nevada Bar No.: 1641

mbohn@bohnlawfirm.com

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Henderson, NV 89074

(702) 642-3113/ (702) 642-9766 FAX

Attorneys for defendant/counterclaimant

Resources Group, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

U.S. BANK NATIONAL ASSOCIATION, ND, a
national association

Plaintiff,

vs.

CASE NO.: A-12-667690-C
DEPT NO.: XVI

**STIPULATION AND ORDER
FOR RULE 54(b) CERTIFICATION**

GEORGE R. EDWARDS, an individual; ANY AND
ALL PERSONS UNKNOWN, CLAIMING TO BE
PERSONAL REPRESENTATIVES OF GEORGE R.
EDWARDS ESTATE, OR DULY APPOINTED,
QUALIFIED, AND ACTING EXECUTOR OF THE
WILL OF THE ESTATE OF GEORGE R.
EDWARDS; RESOURCES GROUP, LLC, a Nevada
Limited Liability Company; GLENVIEW WEST
TOWNHOMES ASSOCIATION, a Nevada non-profit
corporation; DOES 4 through inclusive; and ROES 1
through 10 inclusive

Defendants.

RESOURCES GROUP, LLC,

Counter-claimant

vs

U.S. BANK NATIONAL ASSOCIATION, ND, a
national association

Counter-defendant

1 Defendant/counterclaimant, Resources Group, LLC, (hereinafter “defendant ”), by and
2 through its attorneys, Michael F. Bohn, Esq. and plaintiff/counterdefendant U.S. Bank National
3 Association, ND (hereinafter “U.S. Bank”), by and through its attorney, Shane Gale, Esq. stipulate
4 and agree as follows:
5

- 6 1. The court conducted trial in this case on October 2 and 3, 2017, resulting in a judgment in
7 favor of defendant Resources Group, LLC and against the plaintiff U.S. Bank.
- 8 2. U.S. Bank thereafter appealed the decision, which was assigned docket no. 74575.
- 9 3. The Supreme Court reversed the decision in a reported decision, U.S. Bank National
10 Association v. Resources Group, 135 Nev. 199, 444 P.3d 442 (2019)
- 11 4. On remand, the trial court entered Findings of Fact and Conclusions of Law on June 8,
12 2022, in favor plaintiff and against defendant Resources Group, LLC.
- 13 5. The Findings of Fact and Conclusions of Law entered on June 8, 2022 included language
14 for a Rule 54(b) certification.’
- 15 6. Defendant Resources Group, LLC filed an appeal of this court’s order.
- 16 7. The Supreme Court has issued an Order to Show Cause why the appeal should not be
17 dismissed because the Rule 54(b) did not make an express determination that there is no
18 just reason for delay.
19
20

21 ///

22 ///

23 ///

1 8. Accordingly, the parties stipulate to an express finding that there is no just reason for
2 delay of entry of final judgment.

3 DATED this 16th day of November, 2022

4 LAW OFFICES OF
5 MICHAEL F. BOHN, ESQ., LTD.

MCCARTHY HOLTHUS LLP

6
7 By: /s/ Michael F. Bohn, Esq. /
8 Michael F. Bohn, Esq.
9 2206 Corporate Circle, Ste. 480
10 Henderson, NV 89074
11 Attorney for defendant
12 Resources Group, LLC

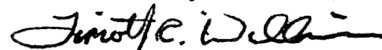
By: /s/ / Shane Gale, Esq. /
Shane Gale, Esq.
9510 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorneys for plaintiff U.S. Bank

13 **ORDER**

14 Based on the foregoing Stipulation by and between the parties, and good cause appearing,

15 IT IS HEREBY ORDERED that this court makes the express finding that there is no just
16 cause for delay of entry of final judgment and directs entry of final judgment as between these
17 parties.

18 Dated this 15th day of November, 2022

19 

20 DISTRICT COURT JUDGE

JM

21 Respectfully submitted by:

22 LAW OFFICES OF
23 MICHAEL F. BOHN, ESQ. LTD.

71A D18 19BA 22DE
Timothy C. Williams
District Court Judge

24 By: /s/ Michael F. Bohn, Esq. /
25 MICHAEL F. BOHN, ESQ.
26 2206 Corporate Circle, Ste. 480
27 Henderson, NV 89074
28 Attorney for defendant
Resources Group, LLC

Michael Bohn

From: Shane Gale <SGale@McCarthyHolthus.com>
Sent: Tuesday, November 15, 2022 2:58 PM
To: Michael Bohn
Cc: IDSMH
Subject: RE: US Bank v. Edwards / NV-22-940617-APP

Good Afternoon Mickey,

You are authorized to use my electronic signature of the provided stipulation for 54(b) certification.

Thank you,

Shane P. Gale

Associate Attorney

Admitted to Practice in Washington, Nevada, New Mexico and Wisconsin



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From: Michael Bohn [mailto:mbohn@bohnlawfirm.com]
Sent: Tuesday, November 15, 2022 2:04 PM
To: Shane Gale <SGale@McCarthyHolthus.com>
Subject: RE: US Bank v. Edwards / NV-22-940617-APP

Please advise if I may submit with your e-signature

Mickey Bohn, Esq.
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From: Shane Gale <SGale@McCarthyHolthus.com>
Sent: Tuesday, November 15, 2022 11:46 AM
To: Michael Bohn <mbohn@bohnlawfirm.com>
Subject: RE: US Bank v. Edwards / NV-22-940617-APP

Thanks, Mickey. It has been a bit since I looked at the order, but I see that language now.

Shane P. Gale

Associate Attorney

Admitted to Practice in Washington, Nevada, New Mexico and Wisconsin



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From: Michael Bohn [<mailto:mbohn@bohnlawfirm.com>]
Sent: Tuesday, November 15, 2022 11:25 AM
To: Shane Gale <SGale@McCarthyHolthus.com>
Subject: RE: US Bank v. Edwards / NV-22-940617-APP

The OSC from the court notes that the court did not make the express determination that there is no just reason for delay.

I will put together the stipulation and send it over for your review

Mickey Bohn, Esq.
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From: Shane Gale <SGale@McCarthyHolthus.com>
Sent: Tuesday, November 15, 2022 10:51 AM
To: Michael Bohn <mbohn@bohnlawfirm.com>
Cc: IDSMH <IDSMH@McCarthyHolthus.com>
Subject: RE: US Bank v. Edwards / NV-22-940617-APP

Good Morning Mickey,

The order contains 54(b) certification. If the court requires a stipulation, then send one over.

19
20
21
22

13. This Order is certified as final under NR

IT IS HEREBY ORDERED, ADJU

Motion for Summary Judgment is **GRANTED;**

Best,

Shane P. Gale
Associate Attorney

Admitted to Practice in Washington, Nevada, New Mexico and Wisconsin



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From: Michael Bohn [<mailto:mbohn@bohnlawfirm.com>]
Sent: Tuesday, November 15, 2022 9:49 AM
To: Shane Gale <SGale@McCarthyHolthus.com>
Subject: US Bank v. Edwards

Can we stipulate to a 54b certification on this case to appease the Supreme Court?

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 U S Bank National Association,
Plaintiff(s)

CASE NO: A-12-667690-C

7 vs.

DEPT. NO. Department 16

8
9 George Edwards, 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 Stipulation and 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:

14 Service Date: 11/15/2022

15 "Benjamin D. Petiprin, Esq." .

bpetiprin@zievelaw.com

16 Amber Geiman .

ageiman@lawhjc.com

17 Kristin Schuler-Hintz .

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18 Stuart Taylor .

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