

Case No. \_\_\_\_\_

**In the Supreme Court of Nevada**

LAS VEGAS DRAGON HOTEL, LLC, a Nevada limited liability company doing business as ALPINE MOTEL APARTMENTS,

Petitioner,

*vs.*

THE EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark; and THE HONORABLE MARIA GALL, District Judge,

Respondents,

and

DEBORAH CIHAL CRAWFORD, individually and as heir to the ESTATE OF TRACY ANN CIHAL; JOHN DOE ADMINISTRATOR, as special administrator of the ESTATE OF TRACY ANN CIHAL; DIANE ROBERTS, individually and as heir to the ESTATE OF DONALD KEITH BENNETT; MIA LUCILEE BENNETT, individually and as heir to the ESTATE OF DONALD KEITH BENNETT, by and through her guardian ad litem Diane Roberts; DONALD ROBERTS, individually and as heir to the ESTATE OF DONALD KEITH BENNETT; and JOHN DOE ADMINISTRATOR, as special administrator of the ESTATE OF DONALD KEITH BENNETT; FRANCIS LOMBARDO, III, individually and as heir to the ESTATE OF FRANCIS LOMBARDO, JR.; JOHN DOE ADMINISTRATOR, as special administrator of the ESTATE OF FRANCIS LOMBARDO, JR.; RICHARD AIKENS; MICHELLE AIKENS; MICHAEL AIKENS, a minor by and through his natural parents, Richard Aikens and Michelle Aikens; BRIANNA AIKENS, a minor by and through her natural parents, Richard Aikens and Michelle Aikens;

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Jul 27 2022 04:24 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DEJOY WILSON; JOHNATHAN WILSON; RETOR JONES, JR.; HELEN CLARK; VICTOR COTTON; CHRISTINA FARINELLA; HAILU ADDIS; DENICIA JOHNSON; PAUL WISE; CARMAN MCCANDLESS; PARALEE MINTER; AUDREY PALMER; SARA RACHAL; KELVIN SALYERS; JOE AGUILERA; DAYSHENA THOMAS; ANDREW THOMAS, a minor by and through his natural parent, Dayshena Thomas; SANDRA JONES; TIACHERELL DOTSON; A'LAYNA DOTSON, by and through her natural parent, Tiacherell Dotson; CLEA ROBERTS; NELSON BLACKBURN; FLOYD GUENTHER; DOYLE MYERS; LAURA EDWARDS; ROY BACKHUS; JIMMY BROWN-LACY; DELMARKAS COMBS; CHARLES COUCH; STEPHANIE COUCH; ASHLEY ROGERS, a minor by and through her natural parent, Cheryl Rogers; CHERYL ROGERS; MATTHEW SYKES; THELMA SYKES; DAVID BARBARA; EDDIE ELLIS; C EUGENE FRAZIER; JEREMY GORDON SCOTTI HUGHES; TOMMY CALDERILLA; KAREN KELLY, Clark County Public Guardian for CHRISTIAN SPANGLER,  
  
Real Parties in Interest.

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**PETITIONER'S APPENDIX  
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District Court Case No. A-20-808100-C  
Consolidated with Case Nos. A-20-810951-C, A-20-810949-C,  
A-20-814863-C, A-20-816319-C, and A-20-817072-C

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## CERTIFICATE OF SERVICE

I certify that on July 27, 2022, I submitted the foregoing  
Petitioner's Appendix for filing *via* the Court's eFlex electronic filing  
system. Electronic notification will be sent to the following:

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I further certify that I served a copy of this document by mailing a  
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addressed as follows:

The Honorable Maria Gall  
DISTRICT COURT JUDGE – DEPT. 9  
200 Lewis Avenue  
Las Vegas, Nevada 89155

*Respondent*

/s/ Jessie M. Helm  
An Employee of Lewis Roca Rothgerber Christie LLP



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1 **Some of them were payroll.**

2 **Q.** Payroll?

3 **A. Yes.**

4 **Q.** For who?

5 **A. For me.**

6 **Q.** I want to ask you kind of a generalized question.

7 If it were alleged that you asked Miss Mier for  
8 authorization to fix the back door, would that be true  
9 or false?

10 **A. No. False.**

11 **Q.** If it were alleged that she took responsibility  
12 of the repairing or replacing the back door prior to the  
13 fire, would that be true or false?

14 **A. False.**

15 **Q.** As you sit here to today you have a lawyer;  
16 correct?

17 **A. Yes.**

18 **Q.** Who is that?

19 **A. Chris Oram.**

20 **Q.** And was Mr. Oram appointed to you via the office  
21 of appointed counsel?

22 **A. Yes, sir.**

23 **Q.** Had you entered into any agreement or immunity  
24 agreement or anything of that nature with us the state  
25 or anyone on behalf of us?

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1 **A. No, sir.**

2 **Q.** You're here willingly today under subpoena but  
3 willingly to testify?

4 **A. Yes, sir.**

5 **MR. GIORDANI:** Thank you, I'll the pass  
6 witness, Your Honor.

7 **THE COURT:** We are going to wait until next  
8 time to start cross-examination which will be Thursday  
9 at 1:00 p.m. I need you to be back Thursday at 1:00  
10 p.m. and not discuss your testimony with between now and  
11 then with anyone like your fiancée.

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** Sorry, I have to say that. Do  
14 you have any questions?

15 **THE DEFENDANT:** No, ma'am.

16 **THE COURT:** Thank you. You can step down.

17 **THE WITNESS:** Thank you.

18 **THE COURT:** We have Thursday scheduled. Can  
19 we go --

20 **MR. GIORDANI:** Can I just bring something  
21 up?

22 **THE COURT:** Sure.

23 **MR. GIORDANI:** We had intended to rest with  
24 -- after Mr. Dibble and Mr. Casteel testified. Several  
25 of our text message exhibits got out of order. Since he

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1 can't recognize the photographs attached to the texts,  
2 it might require us to call one additional witness which  
3 is the phone examiner himself.

4 **THE COURT:** Okay.

5 **MR. GIORDANI:** I don't anticipate it would  
6 be that long but I just wanted to tell the Court because  
7 I kind of indicated we would rest this week and now I'm  
8 not too sure that's going to happen.

9 **THE COURT:** I'm pretty sure it's not.

10 **MR. GIORDANI:** In addition to the issue with  
11 Mr. Dibble and all of that.

12 **MR. GENTILE:** I would be a little surprised,  
13 I would be more than a little surprised if the state  
14 could rest this week.

15 **THE COURT:** They wouldn't be able to.

16 **MR. GENTILE:** No. What is our next court  
17 date after Thursday?

18 **MS. BEVERLY:** The 10th, right?

19 (Overlapping speakers.)

20 **THE COURT:** November 10th and 12th.

21 **MR. GIORDANI:** If I can suggest if it's a  
22 scheduling issue with experts or whoever Mr. Gentile is  
23 calling, we could suspend our case and allow them to  
24 testify. I don't really care about the order. He might  
25 but it's just a suggestion.

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1 **MR. GENTILE:** First of all I doubt very much  
2 that everything including whatever happens with regard  
3 to the review of your order as to Mr. Dibble I can't  
4 imagine that that's going to be resolved by the 10th or  
5 12th. I just can't. I'm not saying it won't but I have  
6 a hard time --

7 **THE COURT:** I'm hoping it's resolved by  
8 Thanksgiving.

9 **MR. GENTILE:** You're probably right.

10 **THE COURT:** I'm just being honest.

11 **MR. GENTILE:** But separate and apart from  
12 that I would like to be able because we have issued  
13 subpoenas, some have been served, I really don't think  
14 it makes sense for me to tell anybody that November the  
15 10th is the date they need to be here to testify.

16 **THE COURT:** I agree.

17 **MR. GENTILE:** I guess we can take that up  
18 Thursday. I'll have a better idea of Mr. Dibble's  
19 attorney and the advice he is going to give him if Mr.  
20 Dibble wants to share that with me. He may not.

21 **MS. BEVERLY:** I'm sure he's not.

22 **THE COURT:** I imagine his attorney will be  
23 handpicked.

24 **MR. GENTILE:** There's an awful lot of people  
25 that want to do it.

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1 THE COURT: That's an interesting issue. I  
2 hope Mr. Dibble hasn't taken any offense.

3 MS. BEVERLY: Thank you, Judge.

4 MS. WILDEVELD: Your Honor, with regard to  
5 Miss Mier's house arrest situation. We appreciate that  
6 she is out of custody. She appreciates that as well.  
7 She's been out of custody since Friday morning the 23rd.  
8 In her house she keeps getting notifications that she  
9 has left her area. Essentially Saturday night I spent  
10 with her on speakerphone while she was getting messages  
11 from her house that she was out of her area. Friday she  
12 was at my office. She left the office at 5 something.  
13 She has a curfew of 6:00 o'clock. She got there at  
14 6:00. She got in trouble. Then yesterday she was out.  
15 She was there at 5:59 and there was a house arrest  
16 officer waiting for her at her house at 6:00 o'clock  
17 saying you're late. She's says it's 5:59. She stepped  
18 inside the door. I just see there's a game going on  
19 there between them and I wanted to bring it to the  
20 Court's attention and now we are going to November 12th.  
21 I don't want to be back in a situation where she's back  
22 in custody. She is abiding by all the rules.

23 THE COURT: Who is her house arrest officer?

24 MS. WILDEVELD: They are holding her tight.

25 DEFENDANT MIER: Morris.

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1 THE COURT: Does Morris have a first name?

2 DEFENDANT MIER: They didn't tell me the  
3 first name, no.

4 THE COURT: Is it a male or female?

5 DEFENDANT MIER: Female. I think it might  
6 be the other officer's partner but I'm not quite sure.

7 MS. BEVERLY: She's on midlevel to be clear?

8 THE COURT: She is.

9 MS. BEVERLY: Thank you.

10 THE COURT: Thank you.

11 MS. WILDEVELD: It is almost 5:00 o'clock.  
12 She has an hour to get home.

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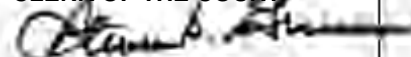
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**OPPM**

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

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special  
Administrator of the ESTATE OF TRACY  
ANN CIHAL,

Plaintiff,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive;  
and ROE CORPORATIONS I through V,  
inclusive,

Defendants.

Lead Case No.: A-20-808100-C

## Consolidated Cases:

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)

Dept. No.: II

**PLAINTIFFS' OPPOSITION TO  
DEFENDANT LAS VEGAS DRAGON  
HOTEL, LLC'S MOTION FOR  
CLARIFICATION**

**Date of Hearing: January 19, 2022  
Time of Hearing: 9:30 a.m.**

AND ALL CONSOLIDATED MATTERS

COMES NOW Plaintiffs Richard and Michelle Aikens, et al., by and through their  
attorneys of record, Robert T. Eglet, Esq., Tracy A. Eglet, Esq., and Danielle C. Miller, Esq. of  
the law firm of EGLET ADAMS, and hereby submit *Plaintiffs' Opposition To Defendant Las*

1 *Vegas Dragon Hotel, LLC's Motion For Clarification.*

2 This Opposition is based on the following points and authorities as well as any other  
3 argument heard at the time of the hearing on this matter.

4 Dated this 20th day of December, 2021.

5

6

**Eglet Adams**

7

/s/ Danielle C. Miller, Esq.

8

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**DECLARATION OF DANIELLE C. MILLER, ESQ. IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANT LAS VEGAS DRAGON HOTEL,  
LLC'S MOTION FOR CLARIFICATION**

STATE OF NEVADA            )  
  )       SS:  
COUNTY OF CLARK        )

I, DANIELLE C. MILLER, ESQ., declare under penalty of perjury that the foregoing is true and correct:

1. Declarant is over the age of eighteen (18), a citizen of the United States of America, an attorney licensed to practice law in the State of Nevada, and an Associate with the law firm of EGLET ADAMS, counsel for Plaintiff in this matter. I have personal knowledge of the following and if called as a witness I could, and would, competently testify as follows:

2. That attached hereto as ***Exhibit 1*** is a true and correct copy of the Notice of Entry of Order Denying Defendant Las Vegas Dragon, LLC's Motion to Dismiss and Motion to Strike, dated January 6, 2021.

I declare under penalty of perjury, pursuant to NRS 53.045, that the foregoing is true and correct.

Executed this 20th day of December, 2021 in Las Vegas, Nevada.

/s/ Danielle C. Miller, Esq.  
DANIELLE C. MILLER, ESQ.



# MEMORANDUM OF POINTS AND AUTHORITIES

## I.

### INTRODUCTION

Defendant Las Vegas Dragon Hotel, LLC (“Las Vegas Dragon”) has filed a Motion for Clarification (“Motion for Clarification”) requesting clarification of the Court’s December 22, 2020 Order Denying Las Vegas Dragon’s Motion to Dismiss and Motion to Strike (hereinafter the “Court’s Order”). Las Vegas Dragon argues that it seeks clarification regarding: (1) Whether NRS 41.800 prohibits an owner of private property from obstructing access to and from the owner’s own property; and (2) Whether NRS 41.800 applies even when a person obstructs just one of several passageways, such that there remains “a free passageway.”

Contrary to Las Vegas Dragon’s argument, there is absolutely no reason for the Court to revisit the issue of whether Plaintiffs’ reference to NRS 41.800 as a basis for liability is proper. Pursuant to Nevada case law, the Court’s power to clarify an order does *not* apply to orders that are unambiguous. Here, the Court’s Order unambiguously states that the Court need not look at the legislative intent of NRS 41.800 because the statute is unambiguous. More importantly, the Court’s Order also unambiguously states that the term “person” as set forth in NRS 41.800, is defined under NRS 0.039 and includes both an individual *and* a business entity, therefore, NRS 41.800 applies to Las Vegas Dragon.

Notably, Las Vegas Dragon’s Motion for Clarification fails to identify *any* ambiguity in the Court’s Order. Instead, Las Vegas Dragon argues that based on evidence presented in the ongoing criminal proceedings against Defendants Adolfo Orozco and Malinda Mier, specifically, testimony from Jason Casteel, Las Vegas Dragon has learned of evidence that sheds additional light on the factual basis for Plaintiffs’ NRS 41.800 claims. Apart from the fact that Las Vegas Dragon is attempting to re-animate a settled issue, Las Vegas Dragon’s Motion for Clarification goes well beyond the permissible scope for a motion to clarify, and instead, raises new arguments to try and persuade the Court to change its decision and conclude that NRS 41.800 should not apply to Plaintiffs’ claims. Las Vegas Dragon’s Motion for Clarification is simply an untimely and inadequately disguised motion for reconsideration, which should be denied in its entirety. Because

the Court's Order Denying Las Vegas Dragon's Motion to Dismiss is unambiguous, and Las Vegas Dragon failed to timely file a motion for reconsideration, Plaintiffs respectfully request that the Court deny Las Vegas Dragon's Motion for Clarification.

## II.

### FACTUAL AND PROCEDURAL BACKGROUND

This matter arises out of a fire that occurred on December 21, 2019 at the Alpine Motel Apartments, located at 213 North 9th Street, Las Vegas, Nevada, 89101. The Alpine Motel is owned and operated by Defendant Las Vegas Dragon Hotel, LLC ("Las Vegas Dragon") and its managing member Defendant Adolfo Orozco. On May 11, 2020, Plaintiffs filed their Complaint in this matter.<sup>1</sup> On May 21, 2020, Plaintiffs filed their First Amended Complaint. On July 31, 2020, this matter was consolidated with Case No.: A-20-808100-C.

On October 5, 2020, Las Vegas Dragon filed a Motion to Dismiss and Motion to Strike Plaintiffs' First Amended Complaint (hereinafter "Motion to Dismiss"), asserting that Plaintiffs are unable to state a claim for relief under NRS 41.800. On December 14, 2020, the Court denied Las Vegas Dragon's Motion to Dismiss and, in so doing, held as follows:

The Court finds that pursuant to U.S. Supreme Court case law, and Nevada case law, the court may not look at legislative intent unless a statute is ambiguous. The Court finds that in this case the term "person" as set forth in NRS 41.800, is defined under NRS 0.039 and includes a business entity, which applies to Defendant LAS VEGAS DRAGON HOTEL, LLC. Thus, a "person" as defined in NRS 0.039 applies to both a person and a business entity. The Court finds that in this case, the Court must not look at the legislative intent of NRS 41.800 because in the Court's opinion, the statute is unambiguous. The finding and conclusions stated on the record on December 14, 2020, are incorporated in their entirety by this reference.

See Notice of Entry of Order Denying Defendant Las Vegas Dragon's Motion to Dismiss, dated January 6, 2021, attached hereto as *Exhibit "1."*

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///

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<sup>1</sup> Plaintiffs respectfully request that this Court take judicial notice of its entire docket herein. It is well established that this Court can take judicial notice of matters contained within its own files. NRS 47.140(8); *Geary v. State*, 112 Nev. 1434, 1437 (1996); *Hampton v. Washoe County*, 99 Nev. 819, 822 (1983); *See also In re Wilson*, 631 F.2d 118, 119 (9th Cir. 1980).

1 III.

2 LEGAL ARGUMENT

3 A. Las Vegas Dragon's Motion for Clarification Is Procedurally Improper

4 The Nevada Supreme Court considers motions for clarification appropriate where an order  
 5 of the court is ambiguous and in need of further definition. *See Kishner v. Kishner*, 93 Nev. 220,  
 6 226, 562 P.2d 493, 496 (1977). *Citing Grenz v. Grenz*, 78 Nev. 394, 374 P.2d 891 (1962); *Lindsay*  
 7 *v. Lindsay*, 52 Nev. 26, 280 P. 95 (1929). This power does not, however, extend to judgments and  
 8 decrees that are **not** ambiguous. *Kishner*, at 225, 496. *Citing Adams v. Adams*, 85 Nev. 50, 450  
 9 P.2d 146 (1969) (emphasis added). Where the order in question is **not** ambiguous, entertaining a  
 10 motion for clarification constitutes reversible error. *See Kishner*. If there are ambiguous terms, the  
 11 district court is required to clarify the meaning of a disputed term in an agreement-based decree”  
 12 and “must consider the intent of the parties in entering into the agreement.” *Mizrachi v. Mizrachi*,  
 13 132 Nev. 666, 677, 385 P.3d 982, 989. “And in doing so, the court may look to the record as a  
 14 whole and the surrounding circumstances to interpret the parties’ intent.” *Id. See also Shelton v.*  
 15 *Shelton*, 119 Nev. 492, 497, 78 P.3d 507, 510 (2003) (providing that a provision is ambiguous  
 16 when “it is reasonably susceptible to more than one interpretation”).

17 Conveniently, Las Vegas Dragon's Motion fails to even address **any** ambiguity in the  
 18 Court's Order. The reason Las Vegas Dragon's Motion fails to address the actual standard required  
 19 for a court to clarify an order is because there **is** no ambiguity in this Court's Order. Here, the  
 20 Court's Order unambiguously states that the Court need not look at the legislative intent of NRS  
 21 41.800 because the statute is unambiguous. *See Ex. I*. The Court's Order also unambiguously  
 22 states that the term “person” as set forth in NRS 41.800, is defined under NRS 0.039 and includes  
 23 both an individual **and** a business entity, therefore, NRS 41.800 applies to Las Vegas Dragon. *Id.*

24 Instead of addressing the standard for the clarification of a court order, Las Vegas Dragon  
 25 contends that new evidence can provide “clarification” regarding the application of the statute and  
 26 that the Court should “clarify that NRS 41.800 does not apply.” (Def. Opp., at 6:6-9). An order  
 27 clarifying a judgment explains or refines rights already given, and it neither grants new rights nor  
 28 extends old ones, but instead involves the court defining the rights that have already been awarded

to the parties and leaves their substantive rights unchanged. *See* 46 Am Jur 2d Judgments § 65. Here, Las Vegas Dragon seeks to substantively change the Court's Order and obtain a different result based on new evidence in the form of Jason Casteel's testimony. Because Las Vegas Dragon's Motion seeks to substantively modify the Court's Order based on new evidence, the Court must treat Las Vegas Dragon's Motion for Clarification as a motion for reconsideration and apply the standard for seeking reconsideration of a court's order.

**B. Las Vegas Dragon's Motion Is Seeking Reconsideration Of The Court's Order Under The Guise Of Seeking Clarification**

Las Vegas Dragon's Motion is simply a disguised motion for reconsideration asking the Court to reverse its Order based on new evidence. Accordingly, the Court must apply the harsher standard for seeking reconsideration and Las Vegas Dragon's Motion for Clarification in its entirety.

**1. Las Vegas Dragon's Motion Must Be Denied As Untimely**

Las Vegas Dragon failed to timely seek reconsideration of the Court's Order and for this reason alone, the Court should not consider Las Vegas Dragon's Motion. Pursuant to EDCR 2.24(b), which governs the rehearing of motions:

*(b) A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order.* A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the 30 period for filing a notice of appeal from a final order or judgment.

EDCR 2.24(b) (emphasis added).

Here, the Notice of Entry of Order Denying Las Vegas Dragon's Motion to Dismiss was electronically filed and served on January 6, 2021. Using this as the operative starting date, Las Vegas Dragon was required to file a motion for reconsideration on or before January 20, 2021. Yet, Las Vegas Dragon failed to do so. Because Las Vegas Dragon failed to timely seek reconsideration of the Court's Order, this reason alone presents a sufficient basis to deny Las Vegas Dragon's Motion.

2. **There Are No New Facts Available That Were Not Available At The Time Of The Court's Ruling To Justify Reversing Issues Previously Decided**

Assuming *arguendo* that timeliness was not an issue, there are no new facts, and no intervening change in controlling law, to warrant the Court's reconsideration. The Nevada Supreme Court has held that there are limited circumstances in which a party may request reconsideration of a court's prior order. Reconsideration is appropriate only where new facts are available that were not available at the time of the original ruling; there has been an intervening change in controlling law; or the district court committed clear error or a manifest injustice. *See Masonry & Tile Contractors v. Jolley, Urga & Wirth Ass'n*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997) (citing *Little Earth of United Tribes v. Department of Housing*, 807 F.2d 1433, 1441 (8th Cir. 1986); *see also Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) ("Only in very rare instances in which *new issues of fact or law* are raised supporting a ruling contrary to the ruling already reached.")).

According to Las Vegas Dragon, since the hearing on Las Vegas Dragon's Motion to Dismiss, Las Vegas Dragon has "learned" of evidence presented in the ongoing criminal proceedings against Defendants Adolfo Orozco and Malinda Mier, specifically, testimony from Jason Casteel, which "sheds additional light on the factual basis for Plaintiffs' NRS 41.800 claims." (Def. Mot., at 3:18-23). Based on Jason Casteel's testimony, Las Vegas Dragon contends that the Court should clarify that NRS 41.800 "does not apply." (Def. Mot., at 6:6-9). Much to Las Vegas Dragon's dismay, this newly learned evidence in the form of Jason Casteel's testimony is **not** new evidence. In fact, Jason Casteel testified in the criminal proceedings on October 27, 2020, nearly a month and a half **before** the hearing on Las Vegas Dragon's Motion to Dismiss on December 14, 2020. *See*, Def. Mot., at Exhibit A. This testimony was also available more than a month **before** the December 7, 2020 deadline for Las Vegas Dragon to file its Reply in Support of its Motion to Dismiss. It is disingenuous for Las Vegas Dragon to argue that it only "learned" of Jason Casteel's testimony after the hearing on Las Vegas Dragon's Motion to Dismiss when this testimony was provided during the preliminary hearing for Adolfo Orozco, the managing member **for** Las Vegas Dragon, more than a month earlier. Las Vegas Dragon was clearly aware of Jason Casteel's testimony when the Court heard Las Vegas Dragon's Motion to Dismiss. Rather than

1 timely filing a Motion for Reconsideration, Las Vegas Dragon is now attempting to raise issues  
2 that should have been raised in its Motion to Dismiss, which is improper.

3 **C. Pursuant To NRS 7.085 And EDCR 7.60(b), the Court Should Award Plaintiffs Their**  
4 **Attorneys' Fees and Costs Incurred Opposing Las Vegas Dragon's Frivolous Motion**

5 In *Miller v. Wilfong*, 121 Nev. 619, 623, 119 P.3d 727, 730 (2005), the Nevada Supreme  
6 Court held that a district court can only award attorneys' fees and costs when authorized by statute,  
7 contract, or rule. It is within a district courts discretion to award attorney fees if it presented with  
8 evidence to support a finding that a claim or defense was unreasonable or brought to harass. *Rivero*  
9 *v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009). Nevada Revised Statute 7.085 provides this Court  
10 with authority to order payment of the attorneys' fees and costs where an attorney needlessly  
11 extends civil actions through misconduct. NRS 7.085(1)(b) provides for an award of attorney fees  
12 where an attorney has:

13 (b) *Unreasonably and vexatiously extended a civil action or proceeding before*  
14 *any court in this State...*

15 See NRS 7.085(1)(b) (emphasis added).

16 NRS 7.085 also mandates that “[t]he court shall liberally construe the provisions of this  
17 section in favor of awarding costs, expenses, and attorney’s fees in all appropriate situations”  
18 *Id.* (emphasis added).

19 Similarly, Eighth Judicial District Court Rule 7.60(b) also provides for the “...imposition  
20 of fines, costs, or attorney’s fees when an attorney or party without just cause: (1) Presents to the  
21 court a motion or an opposition to a motion which is obviously frivolous, unnecessary or  
22 unwarranted; [and] (3) So multiplies the proceedings in a case as to increase costs unreasonably  
23 and vexatiously....” See EDCR 7.60(b). Thus, this Court has authority under both the Nevada  
24 Revised Statutes and Eighth Judicial District Court Rules to award Plaintiffs attorneys’ fees and  
25 costs incurred for having to oppose Las Vegas Dragon’s frivolous Motion.

26 Plaintiffs’ counsel seeks attorneys’ fees and costs for the time and expense of submitting  
27 the foregoing Opposition to Las Vegas Dragon’s Motion for Clarification. As discussed above,  
28 not only is the Court’s Order unambiguous, but Las Vegas Dragon’s Motion for Clarification fails

1 to even argue, much less address, any ambiguities in the Court's Order. Las Vegas Dragon raises  
 2 new arguments and asserts that based on newly "learned" evidence, NRS 41.800 should not apply  
 3 to Plaintiffs' claims. Clearly, Las Vegas Dragon is requesting a substantive modification of the  
 4 Court's Order, however, a motion for clarification is *not* the mechanism for seeking a modification  
 5 or amendment of a court order. Las Vegas Dragon cannot attempt to circumvent their obligations  
 6 by failing to timely file a motion for reconsideration under the guise of a Motion for Clarification.  
 7 Because Las Vegas Dragon's Motion for Clarification was frivolous, unnecessary, unwarranted,  
 8 and only brought to unreasonably increase costs, Plaintiffs respectfully request that the Court grant  
 9 Plaintiffs' attorneys' fees and costs incurred opposing Las Vegas Dragon's Motion for  
 10 Clarification.<sup>2</sup>

#### 11 IV.

#### 12 CONCLUSION

13 For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendant Las  
 14 Vegas Dragon's Motion For Clarification.

15 Dated this 20th day of December, 2021.

16 **EGLET ADAMS**

17 /s/ Danielle C. Miller, Esq.

18 ROBERT T. EGLET, ESQ.

19 Nevada Bar No. 3402

20 TRACY A. EGLET, ESQ.

21 Nevada Bar No. 6419

22 DANIELLE C. MILLER, ESQ.

23 Nevada Bar No. 14127

24 400 South 7th Street, 4<sup>th</sup> Floor

25 Las Vegas, Nevada 89101

26 *Attorneys for Plaintiffs Richard*  
*and Michelle Aikens, et al.*

27 <sup>2</sup> In the event the Court awards Plaintiffs their attorneys' fees and costs, which it should, Plaintiffs will prepare and  
 28 separately submit a memorandum of attorneys' fees and costs that satisfies the factors set forth in *Brunzell v. Golden*  
*Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NEFC Rule 9(b), I hereby certify that on the 20th day of December, 2021, I  
3 caused the foregoing **PLAINTIFFS' OPPOSITION TO DEFENDANT LAS VEGAS**  
4 **DRAGON HOTEL, LLC'S MOTION FOR CLARIFICATION** to be e-filed and e-served  
5 upon those persons designated by the parties in the E-Service Master List for the above-  
6 referenced matter in the Eighth Judicial District Court e-Filing System in accordance with the  
7 mandatory electronic service requirements of Administrative Order 14-2 and the Nevada  
8 Electronic Filing and Conversion Rules and entered on the Court's docket in the above-  
9 referenced matter.  
10

11 /s/ Bianca Marx

12 An Employee of **EGLET ADAMS**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EGLET ADAMS



# Exhibit “1”



1 **NEO**  
2 ROBERT T. EGLET, ESQ.  
3 Nevada Bar No. 3402  
4 TRACY A. EGLET, ESQ.  
5 Nevada Bar No. 6419  
6 DANIELLE C. MILLER, ESQ.  
7 Nevada Bar No. 9127

8 **EGLET ADAMS**  
9 400 South Seventh Street, Suite 400  
10 Las Vegas, Nevada 89101  
11 Telephone: (702) 450-5400  
12 Facsimile: (702) 450-5451  
13 Email: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)  
14 *Attorneys for Plaintiffs Richard*  
15 *And Michelle Aikens, et al.*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 DEBORAH CIHAL CRAWFORD,  
19 individually and as heir to the ESTATE OF  
20 TRACY ANN CIHAL; JOHN DOE  
21 ADMINISTRATOR, as Special  
22 Administrator of the ESTATE OF TRACY  
23 ANN CIHAL,

24 Plaintiff,

25 v.

26 LAS VEGAS DRAGON HOTEL, LLC, a  
27 Nevada limited-liability company doing  
28 business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive;  
and ROE CORPORATIONS I through V,  
inclusive,

Defendants.

AND ALL CONSOLIDATED MATTERS

///

///

Lead Case No.: A-20-808100-C

Consolidated Cases:

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)

Dept. No.: II

**NOTICE OF ENTRY OF ORDER**  
**DENYING DEFENDANT LAS VEGAS**  
**DRAGON HOTEL, LLC'S MOTION**  
**TO DISMISS AND MOTION TO**  
**STRIKE**

**NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LAS VEGAS DRAGON  
 HOTEL, LLC'S MOTION TO DISMISS AND MOTION TO STRIKE**

PLEASE TAKE NOTICE that the Order Denying Defendant Las Vegas Dragon Hotel, LLC's Motion to Dismiss and Motion to Strike was entered in the above entitled action on December 22, 2020, a copy of which is attached hereto as *Exhibit "1."*

Dated this 6th day of January, 2021.

**Eglet Adams**

/s/ Danielle C. Miller, Esq.

ROBERT T. EGLET, ESQ.

Nevada Bar No. 3402

TRACY A. EGLET, ESQ.

Nevada Bar No. 6419

DANIELLE C. MILLER, ESQ.

Nevada Bar No. 9127

400 South 7th Street, 4<sup>th</sup> Floor

Las Vegas, Nevada 89101

*Attorneys for Plaintiffs*

**EGLET ADAMS**



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that on the January 6, 2021, I caused the foregoing document entitled **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S MOTION TO DISMISS AND MOTION TO STRIKE** to be e-filed and e-served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court e-Filing System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules and entered on the Court's docket in the above-referenced matter.

/s/ Kiera Buckley  
An Employee of **EGLET ADAMS**

EGLET ADAMS

# EXHIBIT 1

000286

000286

# EXHIBIT 1


**ORDR**

ROBERT T. EGLET, ESQ.  
Nevada Bar No. 3402  
TRACY A. EGLET, ESQ.  
Nevada Bar No. 6419  
DANIELLE C. MILLER, ESQ.  
Nevada Bar No. 9127

**EGLET ADAMS**

400 South Seventh Street, Suite 400  
Las Vegas, Nevada 89101  
Telephone: (702) 450-5400  
Facsimile: (702) 450-5451  
Email: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)  
*Attorneys for Plaintiffs Richard  
and Michelle Aikens, et al.*

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

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special  
Administrator of the ESTATE OF TRACY  
ANN CIHAL,

Plaintiff,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive;  
and ROE CORPORATIONS I through V,  
inclusive,

Defendants.

AND ALL CONSOLIDATED MATTERS

Lead Case No.: A-20-808100-C

Consolidated Cases:

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)

Dept. No.: XXXII

**ORDER DENYING DEFENDANT LAS  
VEGAS DRAGON HOTEL, LLC'S  
MOTION TO DISMISS AND MOTION  
TO STRIKE**

**Date of Hearing: December 14, 2020  
Time of Hearing: 1:30 p.m.**

///

///

///

*Richard and Michelle Aikens, et al. v.  
Las Vegas Dragon Hotel, LLC, et al.*  
Order Denying Defendant Las Vegas Dragon Hotel, LLC's  
Motion to Dismiss and Motion to Strike  
Lead Case No.: A-20-808100-C  
Judge: Rob Bare  
Dept.: XXXII

**ORDER DENYING DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S MOTION  
TO DISMISS AND MOTION TO STRIKE**

Defendant LAS VEGAS DRAGON HOTEL, LLC's Motion to Dismiss and Motion to Strike came before the Honorable Rob Bare, Department 32, Eighth Judicial District Court, for oral argument via BlueJeans on December 14, 2020 at 1:30 p.m. Appearances were made by Robert T. Eglet, Esq. and Danielle C. Miller, Esq. of EGLET ADAMS, on behalf of Plaintiffs RICHARD AND MICHELLE AIKENS, ET AL.; Robert E. Murdock, Esq. of Murdock & Associates Chtd., on behalf of Plaintiff KAREN KELLY, Clark County Public Guardian for CHRISTIAN SPANGLER; Adam Ellis, Esq. of PANISH, SHEA & BOYLE, LLP on behalf of Plaintiffs DEBORAH CIHAL CRAWFORD, FRANCIS LOMBARDO, III, and DIANE ROBERTS; Steven T. Jaffe, Esq. and Taylor R. Anderson, Esq. of HALL JAFFE & CLAYTON, LLP, on behalf of Defendants LAS VEGAS DRAGON HOTEL, LLC and ADOLFO OROZCO; Sarai L. Brown, Esq. of SKANE WILCOX, LLP on behalf of Defendant AES CORPORATION; Mark C. Severino, Esq. of WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER, LLP, on behalf of Defendant COOPER WHEELOCK; and Thomas E. Winner, Esq. and Caitlin J. Lorelli, Esq. of WINNER & SHERROD on behalf of Defendant ERIKA AYALA.

The Court, having reviewed the moving papers and pleadings on file herein, hearing oral argument, being fully advised in the premises, and for good cause appearing, hereby finds as follows:

The Court finds that pursuant to U.S. Supreme Court case law, and Nevada case law, the court may not look at legislative intent unless a statute is ambiguous. The Court finds that in this case the term "person" as set forth in NRS 41.800, is defined under NRS 0.039 and includes a business entity, which applies to Defendant LAS VEGAS DRAGON HOTEL, LLC. Thus, a "person" as defined in NRS 0.039 applies to both a person and a business entity. The Court finds that in this case, the Court must not look at the legislative intent of NRS 41.800 because in the

*Richard and Michelle Aikens, et al. v.*  
*Las Vegas Dragon Hotel, LLC, et al.*  
 Order Denying Defendant Las Vegas Dragon Hotel, LLC's  
 Motion to Dismiss and Motion to Strike  
 Lead Case No.: A-20-808100-C  
 Judge: Rob Bare  
 Dept.: XXXII

1 Court's opinion, the statute is unambiguous. The finding and conclusions stated on the record on  
 2 December 14, 2020, are incorporated in their entirety by this reference.

3 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant LAS  
 4 VEGAS DRAGON HOTEL, LLC's Motion to Dismiss and Motion to Strike is **DENIED**.

5 **IT IS SO ORDERED.**

6 DATED this 22nd day of December, 2020.

\_\_\_\_\_  
 DISTRICT COURT JUDGE  
 ROB BARE

9 **Respectfully submitted by:**

**Approved as to Form and Content:**

10 DATED this 22nd day of December, 2020.

DATED this 22nd day of December, 2020.

11 **EGLET ADAMS**

**HALL JAFFE & CLAYTON LLP**

13 /s/ Danielle C. Miller, Esq.  
 14 ROBERT T. EGLET, ESQ.  
 Nevada Bar No. 3402  
 15 TRACY A. EGLET, ESQ.  
 Nevada Bar No. 6419  
 DANIELLE C. MILLER, ESQ.  
 Nevada Bar No. 9127  
 16 400 South 7th Street, 4<sup>th</sup> Floor  
 17 Las Vegas, Nevada 89101  
 Attorneys for Plaintiffs Richard  
 18 and Michelle Aikens, et al

/s/ Taylor R. Anderson, Esq.  
 STEVEN T. JAFFE, ESQ.  
 Nevada Bar No. 7035  
 MICHELLE R. SCHWARZ, ESQ.  
 Nevada Bar No. 5127  
 TAYLOR R. ANDERSON, ESQ.  
 Nevada Bar No. 15136  
 7425 Peak Drive  
 Las Vegas, Nevada 89128  
 Attorneys for Defendants Las Vegas  
 Dragon Hotel, LLC and Adolfo Orozco



*Richard and Michelle Aikens, et al. v.  
Las Vegas Dragon Hotel, LLC, et al.*  
Order Denying Defendant Las Vegas Dragon Hotel, LLC's  
Motion to Dismiss and Motion to Strike  
Lead Case No.: A-20-808100-C  
Judge: Rob Bare  
Dept.: XXXII

**Approved as to Form and Content:**

DATED this 22nd day of December, 2020.

**MURDOCK & ASSOCIATES CHTD.**

/s/ Robert E. Murdock, Esq.  
ROBERT E. MURDOCK, ESQ.  
Nevada Bar No. 4013  
SYDNEY E. MURDOCK, ESQ.  
Nevada Bar No. 15291  
521 South 3rd Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Karen Kelly, Clark County  
Public Guardian for Christian Spangler*

**Approved as to Form and Content:**

DATED this 22nd day of December, 2020.

**PANISH SHEA & BOYLE LLP**

/s/ Adam Ellis, Esq.  
RAHUL RAVIPUDI, ESQ.  
Nevada Bar No. 15089  
IAN SAMSON, ESQ.  
Nevada Bar No. 14514  
ADAM ELLIS, ESQ.  
Nevada Bar No. 14514  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
*Attorneys for Plaintiffs Deborah Cihal  
Crawford, Francis Lombardo, III, and  
Diane Roberts*

**Danielle Miller**

---

**From:** Adam Ellis <ellis@psblaw.com>  
**Sent:** Monday, December 21, 2020 4:52 PM  
**To:** Danielle Miller; Robert E. Murdock, Esq.  
**Cc:** Rahul Ravipudi; Ian Samson  
**Subject:** RE: Crawford, Cihal, et al. v. Las Vegas Dragon Hotel, et al. - Orders re Motions to Dismiss

Thanks Danielle, you can e-sign both for me.

**Adam Ellis, Esq.**  
**Panish Shea & Boyle LLP**  
 8816 Spanish Ridge Avenue  
 Las Vegas, NV 89148  
 Tel: (702) 560-5520  
 Fax: (702) 975-2515  
 Email: [ellis@psblaw.com](mailto:ellis@psblaw.com)  
 Web: [www.psblaw.com](http://www.psblaw.com)

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**From:** Danielle Miller [mailto:dmiller@egletlaw.com]  
**Sent:** Monday, December 21, 2020 4:22 PM  
**To:** Robert E. Murdock, Esq. <rem@keachmurdock.com>; Adam Ellis <ellis@psblaw.com>  
**Cc:** Rahul Ravipudi <ravipudi@psblaw.com>; Ian Samson <samson@psblaw.com>  
**Subject:** Crawford, Cihal, et al. v. Las Vegas Dragon Hotel, et al. - Orders re Motions to Dismiss  
**Importance:** High

Rob and Adam,

Attached are the proposed Orders Denying Defendants Las Vegas Dragon and Adolfo Orozco's Motions to Dismiss. Defense counsel has already approved as form and content. Please confirm that I have your permission to e-sign and submit for Judge Bare's signature.

I will be submitting these for signature first thing **tomorrow morning** so the sooner you provide your approval, the better. Thank you in advance.



Danielle C. Miller, Esq.

p: (702) 450-5400

w: [www.egletlaw.com](http://www.egletlaw.com)

a: 400 South 7th Street, Suite #400 Las Vegas, NV



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**Danielle Miller**

---

**From:** Robert E. Murdock, Esq. <rem@keachmurdock.com>  
**Sent:** Monday, December 21, 2020 4:45 PM  
**To:** Danielle Miller  
**Subject:** Re: Crawford, Cihal, et al. v. Las Vegas Dragon Hotel, et al. - Orders re Motions to Dismiss

Perfect. Sign away. Thank you.

Robert E. Murdock, Esq  
 Murdock & Associates Chtd.  
 521 South Third St.  
 Las Vegas, Nevada. 89101  
 702-685-6111 office  
 702-685-6222 fax  
 702-497-7560 cell  
 www.murdockassociates.com

Sent from my iPhone  
 Please excuse any spelling errors

On Dec 21, 2020, at 5:22 PM, Danielle Miller <dmiller@egletlaw.com> wrote:

Rob and Adam,

Attached are the proposed Orders Denying Defendants Las Vegas Dragon and Adolfo Orozco's Motions to Dismiss. Defense counsel has already approved as form and content. Please confirm that I have your permission to e-sign and submit for Judge Bare's signature.

I will be submitting these for signature first thing **tomorrow morning** so the sooner you provide your approval, the better. Thank you in advance.

Danielle C. Miller, Esq.  
 p: (702) 450-5400  
 w: [www.egletlaw.com](http://www.egletlaw.com)  
 a: 400 South 7th Street, Suite #400 Las Vegas, NV 89101

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&lt;image006.png&gt;

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&lt;Order Denying LV Dragon Motion to Dismiss and Strike-29365.docx&gt;

&lt;Order Denying Orozco Motion to Dismiss-29366.docx&gt;

**Danielle Miller**

---

**From:** Taylor Anderson <TAnderson@lawhjc.com>  
**Sent:** Monday, December 21, 2020 5:06 PM  
**To:** Danielle Miller  
**Cc:** Lisa Holding; Marianne Sylva; Steve Jaffe  
**Subject:** Re: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

You may add my signature, thanks!

Happy holidays!

**Taylor R. Anderson, Esq.**  
 HALL JAFFE & CLAYTON, LLP  
[7425 Peak Drive](#)  
[Las Vegas, NV 89128](#)  
 Phone: [702.316.4111](tel:702.316.4111) x116  
 Fax: [702.316.4114](tel:702.316.4114)  
[tanderson@lawhjc.com](mailto:tanderson@lawhjc.com)

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On Dec 21, 2020, at 5:04 PM, Danielle Miller <dmiller@egletlaw.com> wrote:

Hi Taylor,

So I just spoke to Adam Ellis and Rob Murdoch, and they are **not** submitting their own Orders. They asked me to include them on our Orders, which I've done since I'm feeling festive (lucky them). The Orders are substantively the same, but because I didn't feel comfortable submitting them without you being aware of this change, I'm resending them to confirm that I have your permission to e-sign and submit the attached Orders that now include approval as to form and content from both Adam Ellis and Rob Murdock. Please let me know. Thanks so much Taylor!

<image002.png>

Danielle C. Miller, Esq.  
 p: (702) 450-5400  
 w: [www.egletlaw.com](http://www.egletlaw.com)

a: 400 South 7th Street, Suite #400 Las Vegas, NV 89101

<image003.png>

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**From:** Danielle Miller

**Sent:** Monday, December 21, 2020 2:33 PM

**To:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>

**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>

**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

I assumed they would be submitting their own separate Orders since they filed separate Oppositions and didn't file Joinders.

**From:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>

**Sent:** Monday, December 21, 2020 2:30 PM

**To:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>

**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>

**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Thanks, Danielle. You may add my signature and submit.

One thing I did just notice though, do we need a signature line for the other Plaintiffs' counsel (Murdock and the Panish firm) since they also filed oppositions?

**Taylor R. Anderson, Esq.**  
**HALL JAFFE & CLAYTON, LLP**

<image008.jpg>

7425 Peak Drive

Las Vegas, NV 89128  
 Phone: 702.316.4111 x116  
 Fax: 702.316.4114  
[tanderson@lawhjc.com](mailto:tanderson@lawhjc.com)

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---

**From:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>  
**Sent:** Monday, December 21, 2020 2:11 PM  
**To:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>  
**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>  
**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Hi Taylor,

That makes perfect sense. I went ahead and removed that sentence. The finalized Orders are attached. Please confirm that I have your permission to e-sign and submit the attached Orders for the Judge's signature.

---

**From:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>  
**Sent:** Monday, December 21, 2020 2:07 PM  
**To:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>  
**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>  
**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Hi Danielle,

Sorry about that, it should have been tracked, it was removed. My recollection of the Court's finding on that subject was it was a tangential issue not actually up for decision since neither side had briefed the issue. The court essentially solicited comment on it out of curiosity; Mr. Jaffe, Mr. Eglet, and Mr. Murdock did not have a definitive answer since it was unbriefed. To the extent the court made what could be considered findings, it would be dicta or even just a comment and should not be included in this order.

If you would like to discuss, please do not hesitate to call.

Thank you.  
 -Taylor

**Taylor R. Anderson, Esq.**  
**HALL JAFFE & CLAYTON, LLP**



<image008.jpg>

7425 Peak Drive

Las Vegas, NV 89128

Phone: 702.316.4111 x116

Fax: 702.316.4114

[tanderson@lawhjc.com](mailto:tanderson@lawhjc.com)

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---

**From:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>

**Sent:** Monday, December 21, 2020 1:45 PM

**To:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>

**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>

**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

**Importance:** High

Taylor,

I'm fine with your changes. But just to clarify, it looks like you deleted the joint and several liability sentence in the Order Denying LV Dragon's Motion to Dismiss and Motion to Strike, which was part of the Judge's findings. I didn't see that the change was tracked in what you sent back, just that the sentence was gone, so I just wanted to make sure. I've reattached them both again and highlighted the sentence I'm talking about. Please let me know. Thanks!

---

**From:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>

**Sent:** Monday, December 21, 2020 1:30 PM

**To:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>

**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>

**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Hi Danielle,

I have just a few changes, please see attached.

If you'd like to discuss, please do not hesitate to call.

-Taylor

**Taylor R. Anderson, Esq.**

**HALL JAFFE & CLAYTON, LLP**

<image008.jpg>

7425 Peak Drive

Las Vegas, NV 89128  
 Phone: 702.316.4111 x116  
 Fax: 702.316.4114  
[tanderson@lawhjc.com](mailto:tanderson@lawhjc.com)

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---

**From:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>  
**Sent:** Monday, December 21, 2020 12:18 PM  
**To:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>  
**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>  
**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss  
**Importance:** High

Taylor,

I made a couple of changes. Can you please get back to me today regarding whether we have your permission not e-sign and file. Thanks!

---

**From:** Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>  
**Sent:** Friday, December 18, 2020 2:22 PM  
**To:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>; Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>  
**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>  
**Subject:** RE: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

I have a few changes, I should have them to you later today or first thing Monday. Thanks!

---

**From:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>  
**Sent:** Friday, December 18, 2020 2:18 PM  
**To:** Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>; Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>  
**Cc:** Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>; Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>  
**Subject:** Fwd: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Good afternoon,

Following up regarding the attached proposed Orders.

Begin forwarded message:

**From:** Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)>  
**Date:** December 15, 2020 at 9:55:00 AM PST  
**To:** Steve Jaffe <[SJaffe@lawhjc.com](mailto:SJaffe@lawhjc.com)>, Taylor Anderson <[TAnderson@lawhjc.com](mailto:TAnderson@lawhjc.com)>

Cc: Marianne Sylva <[MSylva@lawhjc.com](mailto:MSylva@lawhjc.com)>, Lisa Holding <[LHolding@lawhjc.com](mailto:LHolding@lawhjc.com)>

Subject: Las Vegas Dragon Hotel, LLC and Adolfo Orozco - Orders RE Motions to Dismiss

Counsel,

Attached is the proposed Order denying Las Vegas Dragon's Motion to Dismiss and Motion to Strike, and proposed Order denying Adolfo Orozco's Motion to Dismiss pursuant to the Judge's ruling yesterday. If you could please let me know by the close of business on **Friday, December 18, 2020**, that I have your permission to e-sign approving as to form and content, I would greatly appreciate it. Thank you for your anticipated cooperation.

Danielle C. Miller, Esq.

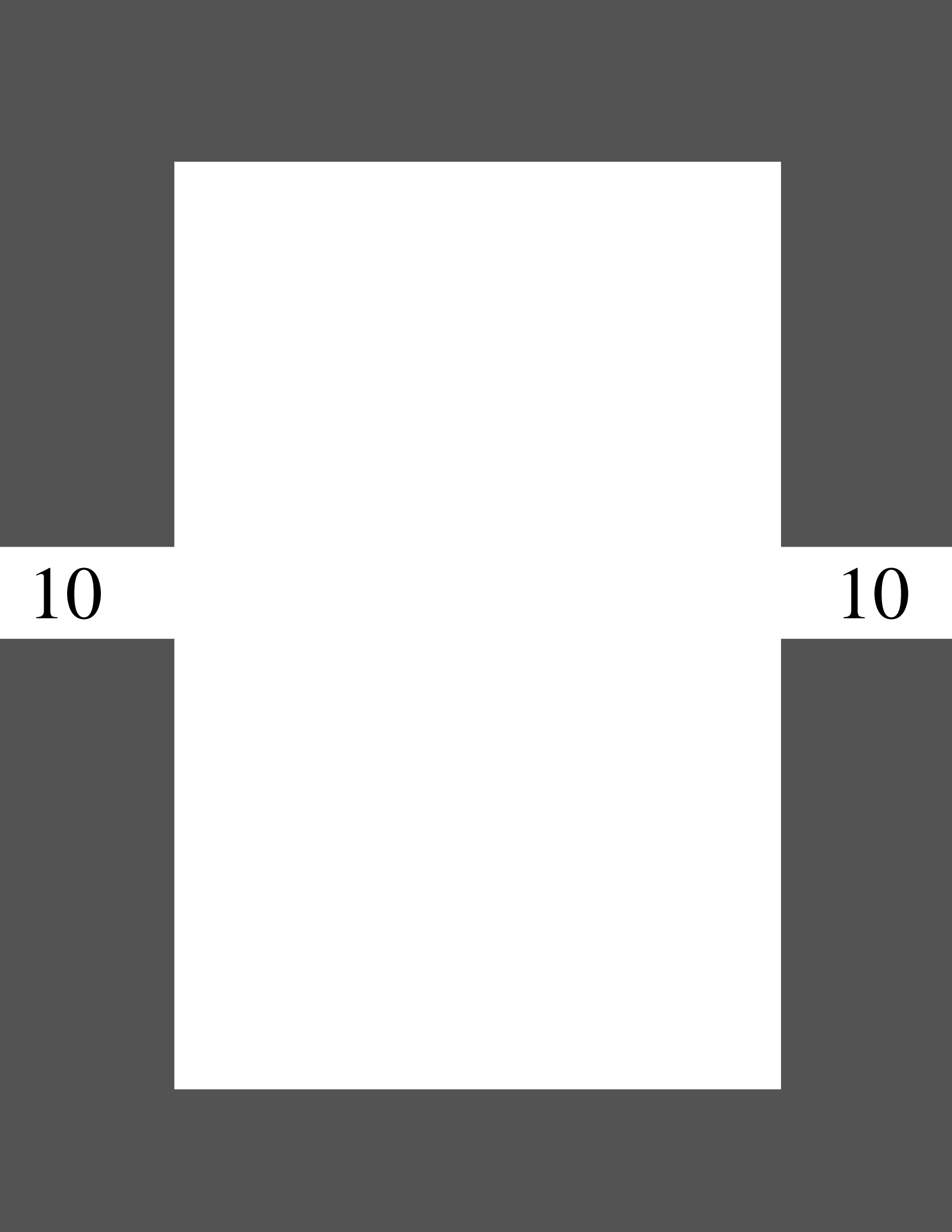
p: (702) 450-5400

w: [www.eqletlaw.com](http://www.eqletlaw.com)

a: 400 South 7th Street, Suite #400 Las Vegas, NV 89101

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<Order Denying Orozco Motion to Dismiss-29366.docx>



10

10


**JOPP**

Robert E. Murdock, Esq.  
Nevada Bar No. 4013  
Sydney E. Murdock, Esq.  
Nevada Bar No. 15291  
MURDOCK & ASSOCIATES, CHTD.  
521 South Third Street  
Las Vegas, NV 89101  
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rem@keachmurdock.com  
sem@murdockassociates.com  
*Attorneys for Plaintiff Karen Kelly,  
Clark County Public Guardian for Christian Spangler*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special Administrator  
of the ESTATE OF TRACY ANN CIHAL,

Plaintiff,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive; and  
ROE CORPORATIONS I through V,  
inclusive,

Defendants.

Lead Case No.: A-20-808100-C  
Dept. No.: II

**Consolidated Cases:**

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)  
A-20-822652-C (*Garcia*)  
A-21-830321-C (*Hall*)  
A-21-830318-C (*Odo*)

**PLAINTIFF KAREN KELLY, CLARK  
COUNTY PUBLIC GUARDIAN FOR  
CHRISTIAN SPANGLER'S JOINDER TO  
PLAINTIFFS AIKENS, ET AL'S  
OPPOSITION TO DEFENDANT LAS  
VEGAS DRAGON HOTEL, LLC'S MOTION  
FOR CLARIFICATION AND OPPOSITION  
TO DEFENDANT LAS VEGAS DRAGON  
HOTEL, LLC'S MOTION FOR  
CLARIFICATION**

**Date of Hearing: January 19, 2022  
Time of Hearing: 9:30 a.m.**

1 COMES NOW Plaintiff KAREN KELLY, Clark County Public Guardian for CHRISTIAN  
2 SPANGLER, by and through her attorneys of record Robert E. Murdock, Esq. and Sydney E.  
3 Murdock, Esq. of Murdock & Associates, Chtd. and hereby joins in the Opposition filed by the  
4 Aikens Plaintiffs *et al.* Plaintiff writes separately to add a few points and to ask the Court for  
5 additional sanctions.  
6

7 DATED this 21<sup>st</sup> day of December 2021.

8 MURDOCK & ASSOCIATES, CHTD.

9 /s/ Robert E. Murdock  
10 Robert E. Murdock Bar No. 4013  
11 Sydney E. Murdock Bar No. 15291  
12 521 South Third Street  
13 Las Vegas, NV 89101  
14 *Attorneys for Plaintiff*  
15  
16  
17  
18  
19  
20  
21  
22  
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24  
25  
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28

**DECLARATION OF ROBERT E. MURDOCK, ESQ. IN SUPPORT OF PLAINTIFF  
KAREN KELLY, CLARK COUNTY PUBLIC GUARDIAN FOR CHRISTIAN  
SPANGLER'S JOINDER TO PLAINTIFFS AIKENS, ET AL.'S OPPOSITION TO  
DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S MOTION FOR CLARIFICATION  
AND OPPOSITION TO DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S MOTION  
FOR CLARIFICATION**

Robert E. Murdock, Esq. hereby declares:

1. I am an attorney licensed to practice law in the State of Nevada and represent Plaintiff Karen Kelly, Clark County Public Guardian for Christian Spangler in the above-captioned action.
2. Upon receipt of the Motion to Clarify, I sent an email to LVDH counsel and Exhibit "1" is a duplicate of same. I received no response.
3. Though I completely disagree that the Motion for Clarification should even be considered by this Court for the reasons set forth in the Joinder and Opposition, if it is going to be considered, then this Court needs to convert the original Motion to Dismiss into a Motion for Summary Judgment. Once it does so, I am requesting NRCP 56(d) relief.
4. As counsel for Mr. Spangler, Plaintiff has not sat around. Instead, since the original slew of Motions and the Early Case Conference, I have:
  - a. Supplemented our 16.1 Witness and Document production nineteen times;
  - b. Sent LVDH and Orozco 14 sets of Requests for Production, 6 sets of Interrogatories and 4 sets of Requests for Admission.
  - c. As to the other parties I have sent 1 set of Requests for Production, 1 set of Requests for Admission and 1 set of Interrogatories to AES; 4 sets of Requests for Production, 2 sets of Requests for Admission and 3 sets of Interrogatories to Cancun, LLC; 1 set of Requests for Production and 1 set of Interrogatories to Cooper Wheelock; 3 sets of Requests for Production, 1 set of Requests for Admission and 3 sets of Interrogatories to EDS; 3 sets of Requests for Production and 2 sets of Interrogatories to Elite1; 1 set of

1 Requests for Admission and 2 sets of Interrogatories to Erika Ayala; 3 sets of Requests  
2 for Production, 2 sets of Requests for Admission and 2 sets of Interrogatories to  
3 Galeana LLC; 1 set of Requests for Production to Jason Casteel.

4  
5 d. Notably, most of Mr. Orozco's and LVDH's responses were merely objections and a  
6 refusal to answer based upon the Fifth Amendment.

7 e. Plaintiff is in the process of trying to set depositions of Orozco, Ayala, Mier, a 30(b)(6)  
8 of LVDH (and Cancun and Galeana), Augustin Ayala, Casteel and Enriquez (among  
9 others). In fact, over the last few weeks, counsel has had discussions with several  
10 defense counsel as to the scheduling issues readily apparent with depositions in these  
11 cases. This is why we cannot present their testimony at this time.  
12

13 5. That neither LVDH nor Orozco supplemented their 16.1 with any of the transcripts of the  
14 Preliminary hearing from Mr. Orozco. The first time I saw Mr. Casteel's transcript was when I  
15 read the Motion to Clarify.  
16

17 6. The transcript itself is only partial—it appears that Mr. Casteel appeared again for  
18 testimony. See p. 158 of the Transcript.

19 7. Since LVDH certainly has the full transcript of the preliminary hearing, it should have  
20 produced same.  
21

22 8. The issues presented within the motion for clarification that are relevant to summary  
23 judgment are those that “shed additional light on the factual basis for Plaintiffs NRS 41.800  
24 claims” (LVDH Motion at 3:20-21).

25 9. The specific factual issues of Casteel's testimony relied upon by LVDH are the  
26 accessibility of exit routes, and the ability to use other exit routes other than the bolted back door.  
27  
28



1 10. Plaintiff would like to take the deposition of Mr. Casteel. Mr. Casteel's apartment was on  
2 the third floor near the front of the Alpine. (Mr. Spangler's was on the third floor near the back).  
3 No one asked him why he didn't exit through the front door or why he didn't just go out the back  
4 door. The answers to these questions would certainly have an effect on the NRS 41.800 "factual"  
5 issue as LVDH argues. He couldn't exit through the back door because it was bolted. Presumably,  
6 he couldn't exit through the front door because of the fire, smoke etc. So, egress issues are at the  
7 heart of his testimony.  
8

9 11. Plaintiff would like to take the deposition of Mr. Orozco. Since Mr. Orozco has now  
10 decided to tell the world about his love of the "American dream" and his rags to riches story (see  
11 Orozco Complaint in Case No: A-21-844750-C), his Fifth Amendment claim is questionable. That  
12 said, Mr. Orozco's testimony would shed light on whether he thought about ingress and egress of  
13 the Alpine when he ordered and/or allowed the bolting of the back door, when he had refrigerators  
14 and a vending machine moved from the Casablanca Motel to the Alpine (when the Casablanca  
15 failed inspection) with no place to put them except for the hallways of the Alpine, when he  
16 allowed the fire doors to be in a non-working condition etc. All of these issues have an effect on  
17 NRS 41.800 as they deal with issues of ingress and egress.  
18

19 12. Similarly, Jose Enriquez was a maintenance person at the Alpine. While he also did work  
20 on Mr. Orozco and Ms. Ayala's residence, he also helped to maintain the Alpine such that his  
21 testimony would help in determining egress and ingress issues. His testimony about the back door  
22 as well as the fire doors is imperative to the issues herein.  
23

24 13. Notably, neither LVDH nor Orozco have produced any text messages. There was a group  
25 text chat between Casteel, Orozco, Mier, Enriquez and Augustin Ayala (and possibly others)  
26 which talked about maintenance issues. While the LVMPD has made clear that there are text  
27  
28

1 issues regarding the back door, the text messages would also shed some light on the ingress and  
2 egress issues.

3 14. Augustin Ayala told the LVMPD he didn't work at the Alpine. However, he was the  
4 paymaster and controlled various monies at the Alpine (and other Orozco properties). He also  
5 instructed Mr. Castell to place the refrigerators and vending machine at the Alpine and therefore  
6 can testify about the ingress and egress issues. (Oh, and he is Erika Ayala's brother).

7  
8 15. Malinda Mier was apparently a "manager" for LVDH, yet she has failed to provide any  
9 pay documentation. She also claimed that she owned the Alpine when she lied to the Media about  
10 the Alpine. She also helped in some fashion with the Shreveport Motel that Orozco and Ayala  
11 bought with proceeds of LVDH. Finally, LVDH paid her bail bond when she was charged along  
12 with Orozco with manslaughter etc. As a Manager of Alpine, her testimony about what was  
13 happening at the Alpine from November 28 through December 21 would shed light on the ingress  
14 and egress issues.

15  
16  
17 16. Pursuant to Rule 56(d), should the Court believe that the original Motion to Dismiss should  
18 be converted to a Motion for Summary Judgment based upon the Motion to Clarify which is a  
19 Motion for Rehearing, the above testimony would create genuine issues of material fact as to the  
20 issues presented in the Motion to Clarify.

21 FURTHER YOUR AFFIANT SAYETH NAUGHT.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 21<sup>st</sup> day of December 2021.

24 /s/ Robert E. Murdock, Esq.  
25  
26  
27  
28

**POINTS AND AUTHORITIES**

First, the Motion to Clarify is a Motion for Rehearing in sheep's clothing. It's a blatant attempt to add arguments that not only should have been made almost one year ago but could have been made. Clarification is not what LVDH wants—instead, it wants a mulligan. And, what LVDH doesn't tell this Court is that its mulligan changes the way the Motion to Dismiss was heard. But, let's start at the beginning—this Court should not hear this Motion.

This Court well knows that a motion for rehearing can only be made AFTER leave of Court is asked for and granted:

**“Rule 2.24. Rehearing of motions.**

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.”

It goes without saying that **LVDH failed to ask for leave of this Court** nor was it granted. For that reason alone, this Court should deny the Motion and strike it.

Moreover, even if leave was asked for and granted, the timing for a rehearing is almost a year late:

**“Rule 2.24. Rehearing of motions.**

...

(b) A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order.”

The Notice of Entry of Order of the Denial of the Motion by this Court was filed on **January 6, 2021**. 14 days later would keep the rehearing date in January 2021. It is late December 2021. This isn't a situation where a few days matters one way or another. This is 11 months late. Yet another reason why this Court should deny the Motion and strike it.

1 Of course, the above is why LVDH got creative and filed the Motion as a Motion to  
2 “Clarify”. Notably, LVDH fails to tell this Court under what Rule it is proceeding under. It does  
3 so, because there is no “clarification” rule. Even if there was, LVDH fails on that too because  
4 clarification does not change the ultimate ruling which is exactly what LVDH wants to do. “The  
5 general purpose of a motion for clarification is to explain or clarify something ambiguous or  
6 vague, not to alter or amend . . . previous rulings” or to “make findings of fact.” **Resolution Trust**  
7 **Corp. v. KPMG Peat Marwick**, Civ.A. No. 92-1373, 1993 U.S. Dist. LEXIS 16546, 1993 WL  
8 211555, at \*2 (E.D. Pa. June 8, 1993)(emphasis added).  
9

10 Here, LVDH asks for clarification, but demonstrates its true colors when it asks this Court  
11 to find that NRS 41.800 does not apply to the circumstances of this case. See Motion at 6. If the  
12 Court recalls, that was the **entire** basis of the original Motion to Dismiss—that NRS 41.800 does  
13 not apply to the circumstances of this case. See original Motion to Dismiss, filed on 10/5/2020 at  
14 4-8. Again, that is why there is nothing to clarify here and why this Motion is frivolous *at best*.  
15

16 Judge Bare’s ruling was not ambiguous in any way—LVDH just disagrees that NRS  
17 41.800 applies to the allegations made in this case. Notably, **LVDH fails to tell this Court what**  
18 **is so ambiguous that a clarification is needed**. Instead, it simply attacks the application of NRS  
19 41.800 with matters outside the pleadings—thus trying to use a Motion to Clarify to re-open a  
20 ruling on a Motion to Dismiss and converting the Motion to Dismiss to a Motion for Summary  
21 Judgment. This Court must recall that the original Motion to Dismiss was a Motion to Dismiss per  
22 Rule 12(b)(5). See original Motion to Dismiss at 3. As such, this Court well knows that facts not  
23 within the pleadings cannot be argued without converting the Motion to a Motion for Summary  
24 Judgment per Rule 56. LVDH argues about what Jason Casteel *partially* testified to in Mr.  
25 Orozco’s criminal case. So, apparently LVDH wants to now convert the original Motion to  
26  
27  
28

1 Dismiss to a Motion for Summary Judgment—on a motion to clarify that is in reality a motion for  
2 rehearing. This is classic whiplash legal reasoning.

3 Curiously, LVDH never 16.1'd the full preliminary hearing testimony of Mr. Casteel, the  
4 full preliminary hearing transcript (which is not yet over), or, even the full testimony it uses to  
5 support the current Motion to Clarify. Experienced counsel knows full well that LVDH is required  
6 to 16.1 produce a "copy of, or a description by category and location of, all documents, data  
7 compilations, and tangible things that are in the possession, custody, or control of the party and  
8 which are discoverable under Rule 26(b)." See NRCP 16.1(a)(1)(B). Since LVDH has the  
9 transcript and it is certainly discoverable, it should have been produced.  
10

11  
12 To date, despite Mr. Murdock reminding them of their duties in an email post filing of the  
13 Motion, LVDH *still* has not supplemented such. See Exhibit "1".

14 Moreover, this isn't new evidence as LVDH alleges. A rehearing without such is generally  
15 disallowed. "Only in very rare instances in which new issues of fact or law are raised supporting a  
16 ruling contrary to the ruling already reached should a motion for rehearing be granted." **Moore v.**  
17 **Las Vegas**, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). And, to be clear, the facts alleged by  
18 Jason Casteel are not new in the eyes of the Rules. NRCP 59(a)(1)(D) provides that "the court  
19 may, on motion, grant a **new** trial" on the ground that there has been "newly  
20 discovered **evidence** material for the party making the motion that the party could not, with  
21 reasonable diligence, have discovered and produced at the trial," **Motor Coach Indus. v.**  
22 **Khiabani**, 493 P.3d 1007, 1016 (Nev. 2021). While this Motion to Clarify is based upon some  
23 unknown Rule (since LVDH neglects to tell this Court what Rule the Motion is being filed under),  
24 certainly, the issue is analogous. If LVDH could have presented the evidence but failed to, nothing  
25 is "new". And here, such is clear. First, LVDH *could* have presented all of this evidence via the  
26  
27  
28

1 testimony of Mr. Orozco as opposed to Mr. Casteel. In other words, **Orozco could have testified**  
2 **to everything said by Mr. Casteel, but LVDH did not provide same.** While Mr. Orozco may  
3 have his own 5<sup>th</sup> Amendment feelings on this, Mr. Orozco could have provided an Affidavit and  
4 attached it to the Motion to Dismiss a year ago. Second, even Jason Casteel's testimony isn't  
5 new—he gave it in October of 2020—*well before the date of the hearing on the original Motion to*  
6 *Dismiss (December 14, 2020).*

8 Now, if this Court wants to allow the Motion to Clarify to convert the Motion to Dismiss  
9 to a Motion for Summary Judgment, Plaintiff respectfully requests a delay in the Motion so that  
10 Plaintiff can take the depositions of Mr. Orozco, Ms. Mier, Mr. Augustin Ayala, and Jose  
11 Enriquez, as described in the NRCP 56(d) Declaration by Mr. Murdock attached hereto.  
12 Specifically, Plaintiff requests NRCP 56(d) relief:

14 “NRCP **56(d)** provides that a district court may allow additional time to conduct  
15 discovery if the nonmovant shows by **affidavit** or declaration that, for specified  
16 reasons, it cannot present facts essential to justify its opposition. A request for a  
17 continuance to conduct further discovery contained within an opposition to a  
18 motion for summary judgment is not sufficient to meet the "unequivocal"  
19 requirement for an **affidavit**. *Choy v. Ameristar Casinos, Inc.*, 127 Nev. 870, 873,  
20 265 P.3d 698, 700 (2011). In addition, such a request is only appropriate when the  
21 movant expresses how further discovery will create a genuine dispute of material  
22 fact. *Aviation Ventures*, 121 Nev. at 118, 110 P.3d at 62.”

23 **Swain v. Gafford**, 2021 Nev. App. Unpub. LEXIS 616, \*6-7, 2021 WL 4988156.

24 Of course, the above would make a mockery of the Rules and Plaintiff suggests that this  
25 Court refuse same and not only deny the Motion, but strike it as well. If this Court allows and  
26 approves of the conduct of LVDH, it runs the risk of a never-ending slew of motions for  
27 “clarification” which are nothing more than motions for rehearing in disguise.

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MURDOCK & ASSOCIATES, CHTD.

11

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2021, I served a copy of the foregoing Plaintiff Karen Kelly, Clark County Public Guardian For Christian Spangler's Joinder to Plaintiffs Aikens, *et al.*'s Opposition to Defendant Las Vegas Dragon Hotel, LLC's Motion For Clarification and Opposition to Defendant Las Vegas Dragon Hotel, LLC's Motion For Clarification upon the parties to this action via the Court's mandatory electronic service, addressed as follows:

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/s/ Vera A. Minkova  
An employee of Murdock & Associates, Chtd.

# EXHIBIT “1”

000315

000315

# EXHIBIT “1”



Vera Minkova &lt;vera@keachmurdock.com&gt;

---

**Fwd: Motion for "Clarification"**

---

**Robert Murdock** <rem@murdockassociates.com>  
To: Vera Minkova <vera@keachmurdock.com>

Tue, Dec 21, 2021 at 10:15 AM

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Begin forwarded message:

**From:** Robert Murdock <rem@murdockassociates.com>  
**Subject:** Motion for "Clarification"  
**Date:** December 13, 2021 at 3:04:51 PM MST  
**To:** Steve Jaffe <sjafe@lawhjc.com>, Taylor Anderson <tanderson@lawhjc.com>, dpolsenberg@lewisroca.com, jehenriod@lewisroca.com  
**Cc:** Danielle Miller <dmiller@egletlaw.com>, Tracy Eglet <teglet@egletlaw.com>, Sydney Murdock <sem@murdockassociates.com>

Counsel,

I am in receipt of the newly filed Motion for Clarification. While I certainly appreciate your arguments, I find it somewhat curious.

As you well know, the original Motion on NRS 41.800 you filed was a Motion to Dismiss. While you did attach the legislative history and the public statements of a blog post, and you asked the Court to take judicial notice of same (See LVDH Motion at 7), the Court denied the Motion.

Now you come to the Court (almost exactly one year from the Order) and ask for clarification—yet you now add the *partial* Jason Casteel transcript of the Justice Court Preliminary Hearing in State v. Orozco.

It is quite clear that you are not asking for clarification—but are actually asking for a reconsideration now with the “new” evidence of Jason Casteel.

Either way, it seems that you have a problem. In essence, the Court will now have to convert the Motion to Dismiss into one of Summary Judgment. That seems somewhat odd since you have only asked for ‘clarification’. And, of course, if you are going to do this, it seems that we would necessarily ask for NRCP 56(d) treatment since we need Mr. Orozco’s testimony as well as Ms. Mier’s. Moreover, you never 16.1’d the Justice Court transcript. So, I have no idea if you have given us all of the testimony on the issues at hand. It seems to me that you could file a Motion for Summary Judgment on the issue just as well (and in fact, a bit cleaner)—once you produce the full transcript. But, this “motion for clarification” is improper.

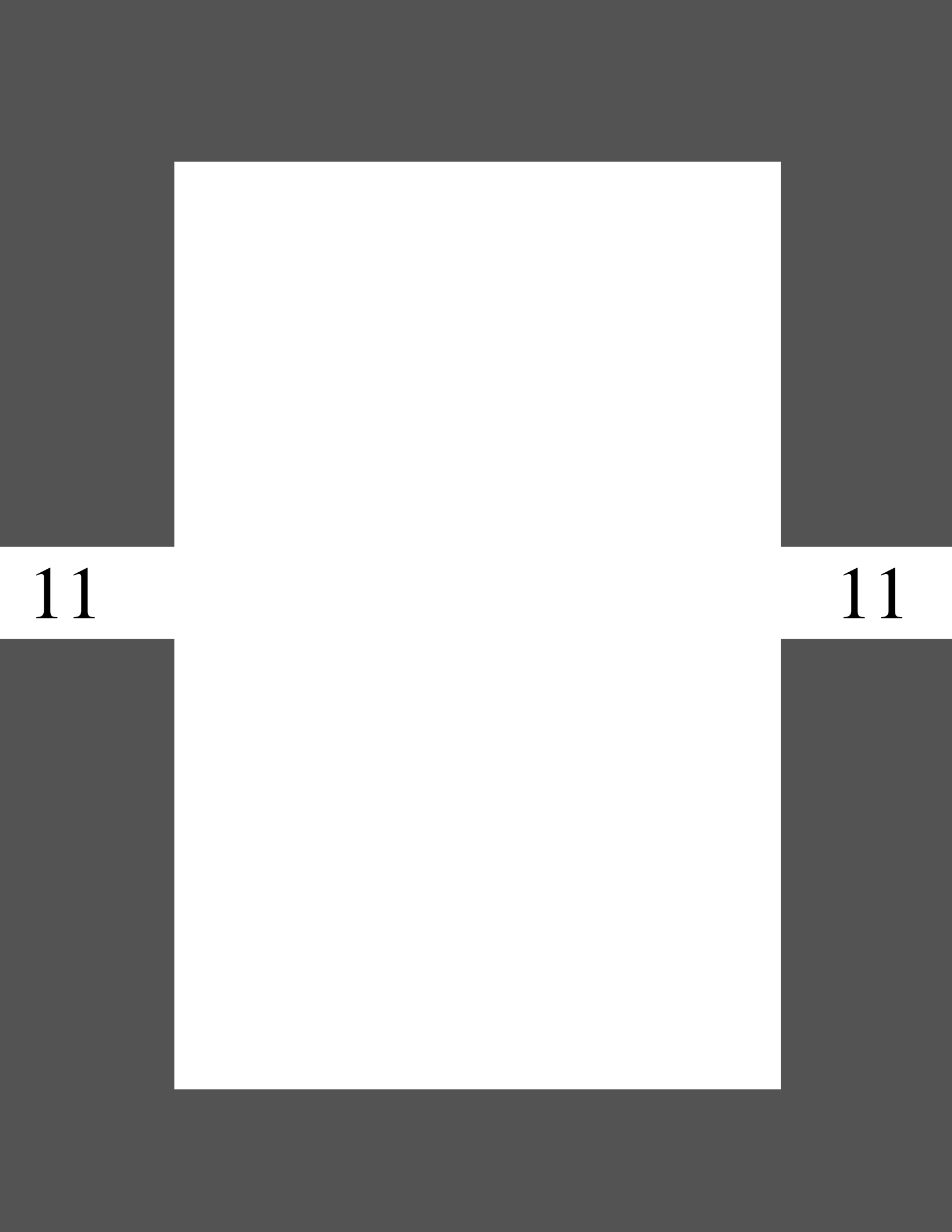
Perhaps more important though, you are trying to get ‘clarification’ of a Motion you lost by bringing forth new evidence. Call me crazy, but this seems to be a Motion for Reconsideration in sheep’s clothing. And, of course, you need leave to file same per EDCR 2.24—which you didn’t do.

Accordingly, we believe that the Motion is inappropriate in not just the way it was filed, but also in content. I would suggest that you withdraw same forthwith. If we need to file an opposition, we will be asking for fees for having to point out all of the procedural failures above.

Thank you.

000316

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special  
Administrator of the ESTATE OF TRACY  
ANN CIHAL,  
Plaintiffs,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL

LEAD CASE NO. A-20-808100-C  
CONSOLIDATED:  
A-20-810951-C (Roberts)  
A-20-810949-C (Lombardo)  
A-20-814863-C (Aikens)  
A-20-816319-C (Kelly/Spangler)  
A-20-817072-C (Rucker)

Dep't No. 2

**DEFENDANTS' REPLY IN  
SUPPORT OF MOTION  
FOR CLARIFICATION**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169

**LEWIS Roca**

000318

APARTMENTS; ADOLFO OROZCO, an individual; DOES 1 through 10; inclusive; and ROE CORPORATIONS I through V, inclusive,  
Defendants.

**Hearing Date: January 19, 2022**  
**Time: 9:30 am**

Plaintiffs never respond to the substance of Defendants' Motion for Clarification. Instead, they apparently misconstrue the Motion as an ill-conceived ploy to trick this Court into substantively amending its December 2020 Order Denying Defendants' Motion to Dismiss. But Defendants are not "attempting to re-animate a settled issue." Opp. at 4. They do not "want[] a mulligan" on last year's motion-to-dismiss proceedings, and they haven't filed a "Motion for Rehearing in sheep's clothing." Judging by Plaintiffs' heated reactions even to *this* motion, such a facile ruse would never fool them; Defendants certainly trust it would not fool this Court either.

Defendants have not asked this Court to reconsider its December 2020 denial of the Motion to Dismiss, and they do not expect it to do so. But the precise contours of that Order matter. To properly tailor discovery efforts and summary judgment briefing, and to clarify the issues for any potential appeal, it is important to understand under what circumstances Defendants would, and would not, be liable under NRS 41.800.

#### **I. The Order Leaves Key Issues Unanswered.**

When this Court denied the motion to dismiss, it was clear on some issues: it unequivocally found that NRS 41.800 was not ambiguous as to the meaning of "person," and that by its plain language it applied to business entities as well as individuals.<sup>1</sup> While Defendants disagree with these findings, they are not asking the Court to revisit them now.

But the Order was *not* clear—in fact, it was virtually silent—on two key points.<sup>2</sup> First, how to construe NRS 41.800's reference to "obstruction" when determining the kinds of *conduct*

<sup>1</sup> For some reason, Plaintiffs emphatically reiterate these points in their briefing. See Opp. at 4:15-18, 5:17-19, 6:21-23. But the Order was clear on these points, and Defendants are not seeking clarification about them. See Mot. at 3:13-17.

<sup>2</sup> The Court's December 22, 2020 written order was less than two pages and only addressed the individual/business entity issue. The Court also addressed this issue, but not Defendants' other arguments, in its oral decision. See Order Denying MTD at 2:1-2 ("The findings and conclusions stated on the record on December 14, 2020, are incorporated in their entirety by this reference.").



the statute regulates: simply picketing-type situations or any obstruction whatsoever of an ingress or egress.<sup>3</sup> Second, whether NRS 41.800 would apply even if an obstructed passageway does not practically hinder ingress or egress because ample alternate routes are accessible.

Despite significant argument on these issues, the Court omitted an answer to these questions, either during the motion-to-dismiss hearing or in its written order.<sup>4</sup> The Court denied Defendants' motion to dismiss—no question there—and Defendants are not seeking reconsideration of that ultimate conclusion. In other words, the Motion is not a question of “whether,” but of “why” or “how,” Plaintiffs' NRS 41.800 claims survive dismissal.

## **II. Defendants' Motion for Clarification Is Proper.**

Defendants attack the Motion on two grounds: first, that it is a disguised motion for reconsideration; second, that it inappropriately relies on the Casteel testimony. Both arguments miss the mark.

### **A. Clarification is Appropriate.**

Plaintiffs selectively quote the motion and mischaracterize its purpose when they describe it as asking for a ruling “that NRS 41.800 does not apply.” Opp. at 6:26. Defendants are well aware that this motion is not a vehicle for the Court to reverse its earlier ruling. They simply seek clarification that NRS 41.800 “does not apply *under such circumstances*” described in the Motion, reasoning that there must be some outer limits on liability under the statute “to avoid unreasonable or absurd results.” Mot. at 6:8-9 (citing *Young v. Nev. Gaming Control Bd.*, 136 Nev. 584, 588, 473 P.3d 1034, 1037 (2020)). Or, if such is the meaning of the Court's December 2020 Order, Defendants request clarification that the Court considers NRS 41.800 to apply even under such circumstances.

In short, the Motion aims to clarify the contours of the statute for purposes of discovery and motion practice, as well as any appeal—it is not some hamfisted plot to trick this Court into

<sup>3</sup> Relatedly, the Order was unclear as to whether the statute is ambiguous on *this* issue (not the individual/business entity issue) such that the Court may consider legislative history in analyzing it.

<sup>4</sup> Illustrative of this, during its oral decision at the conclusion of the hearing, Judge Bare never once even used the words “obstruct,” “obstruction,” “passage,” “passageway,” or “picket.” See Hearing Transcript at 40-47.

1 reversing its prior order. This is a reasonable and appropriate request under Nevada caselaw.<sup>5</sup> *See*,  
 2 *e.g.*, *Mizrachi v. Mizrachi*, 132 Nev. 666, 673, 385 P.3d 982 (2016) (explaining that “a  
 3 modification ‘alters the parties’ substantive rights, while a clarification involves the district court  
 4 defining the rights that have already been awarded to the parties’ and leaves their substantive  
 5 rights unchanged.” (quoting *Vaile v. Porsboll*, 128 Nev. 27, 33, 268 P.3d 1272, 1276 (2012))).  
 6 Because the Order did not address the issues identified in the Motion, it was, at the very least,  
 7 “capable of more than one reasonable interpretation” as to these issues, and clarification is  
 8 appropriate. *Id.*

9 **B. Defendants’ References to Mr. Casteel’s Testimony Was Appropriate.**

10 Plaintiff Kelly argues that the Motion improperly cited Mr. Casteel’s testimony without  
 11 supplementing their NRCPC 16.1 disclosures or including the entire transcript. Plaintiff Kelly,  
 12 however, misunderstands the Motion’s references to this testimony. The Motion does not rely on  
 13 Mr. Casteel’s testimony as “evidence” in this case; that is, it does not cite the testimony for the  
 14 purpose of establishing any material fact as true. *See* NRS 48.015 (defining “relevant evidence”  
 15 as “evidence having any tendency to make the existence of any fact that is of consequence to the  
 16 determination of the action more or less probable than it would be without the evidence”).  
 17 However, while not necessarily dispositive of anything in this case, the testimony highlights some  
 18 questions about the hypothetical range of facts where NRS 41.800 could apply. *Cf. Townsend v.*  
 19 *State*, 103 Nev. 113, 119–20, 734 P.2d 705, 709 (1987) (rejecting argument “that the use of a  
 20 hypothetical question, directed to the State’s expert, introduced facts into evidence which were  
 21 never proved by the State”). The Motion could have simply described abstract hypotheticals, and  
 22 its substantive point would have been the same. It simply referenced Mr. Casteel’s testimony to  
 23 make the request for clarification more concrete and to show its pertinence to the case at hand.

24 On a related note, Plaintiff Kelly asks that if the Court entertains the motion, it should  
 25 convert the Motion to Dismiss into a motion for summary judgment and delay consideration of

26 <sup>5</sup> Plaintiff Kelly observes that “there is no ‘clarification’ rule.” Kelly Opp. at 8. That is correct;  
 27 Nevada courts have long recognized that the authority to clarify judgments derives not from a  
 28 specific rule, but from their “inherent power to construe [ ] judgments and decrees for the purpose  
 of removing any ambiguity.” *Kishner*, 93 Nev. 220, 225-26, 562 P.2d 493, 496 (1977).

summary judgment pursuant to 56(d). Defendants do not oppose Plaintiff Kelly’s request to hold off from summary judgment, but more fundamentally, Plaintiff Kelly misunderstands what Defendants are asking for. Again, Defendants are not asking this Court to issue a judgment, on the application of NRS 41.800 or otherwise. They are simply asking for clarification regarding what kind of conduct this court held triggers NRS 41.800 liability. They referenced Casteel’s testimony not as “evidence” in the strict sense—that is, not to “prove” or “disprove” any element of Plaintiffs’ NRS 41.800 claims—but rather, as an exemplar of the kinds of scenarios on which clarification is needed.

### **III. Plaintiffs’ Calls for Sanctions are Misplaced.**

To summarize, Defendants’ motion for clarification is an appropriate request for this Court to define more precisely (not differently) the reach of NRS 41.800 pursuant to its previous Order. This should be answer enough to Plaintiffs’ requests for attorney’s fees. If Plaintiffs’ counsel chose to spend several pages warning this Court that it should not be fooled into reversing a prior decision based on a request for clarification, that injury was self-inflicted. Plaintiffs’ counsel failed to read Defendants’ motion fairly and reasonably, but Defendants are not responsible for whatever time or money that failure might have cost.

But even if the Court disagrees and construes Defendants’ Motion (contrary to their own emphatic representations) as a disguised motion for reconsideration, sanctions are still inappropriate. The Motion was made “in good faith” and not in an effort to “[u]nreasonably [or] vexatiously extend[] a civil action,” but rather, to seek additional clarity on issues inadequately addressed in the Order. *See* NRS 7.085(1)(a), (b).

### **IV. Conclusion**

Instead of warning about a “Motion for Rehearing in sheep’s clothing” and asking the Court to sanction Defendants, Plaintiffs might have welcomed the opportunity to clarify the precise contours of an order they can expect to rely upon in subsequent proceedings and likely defend on appeal. Key questions remain unanswered about this Court’s findings on the application of NRS 41.800, particularly whether the statute applies to a property owner on its own

1 property and whether it applies when one or more “free passageway[s]” remain despite blockage  
 2 of other passageways. The Court should reject Plaintiffs’ attempts at misdirection and grant the  
 3 motion for clarification.

4 DATED this 12<sup>th</sup> day of January, 2022.

5 LEWIS ROCA ROTHGERBER CHRISTIE LLP

6 By: /s/ Abraham G. Smith

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**CERTIFICATE OF SERVICE**

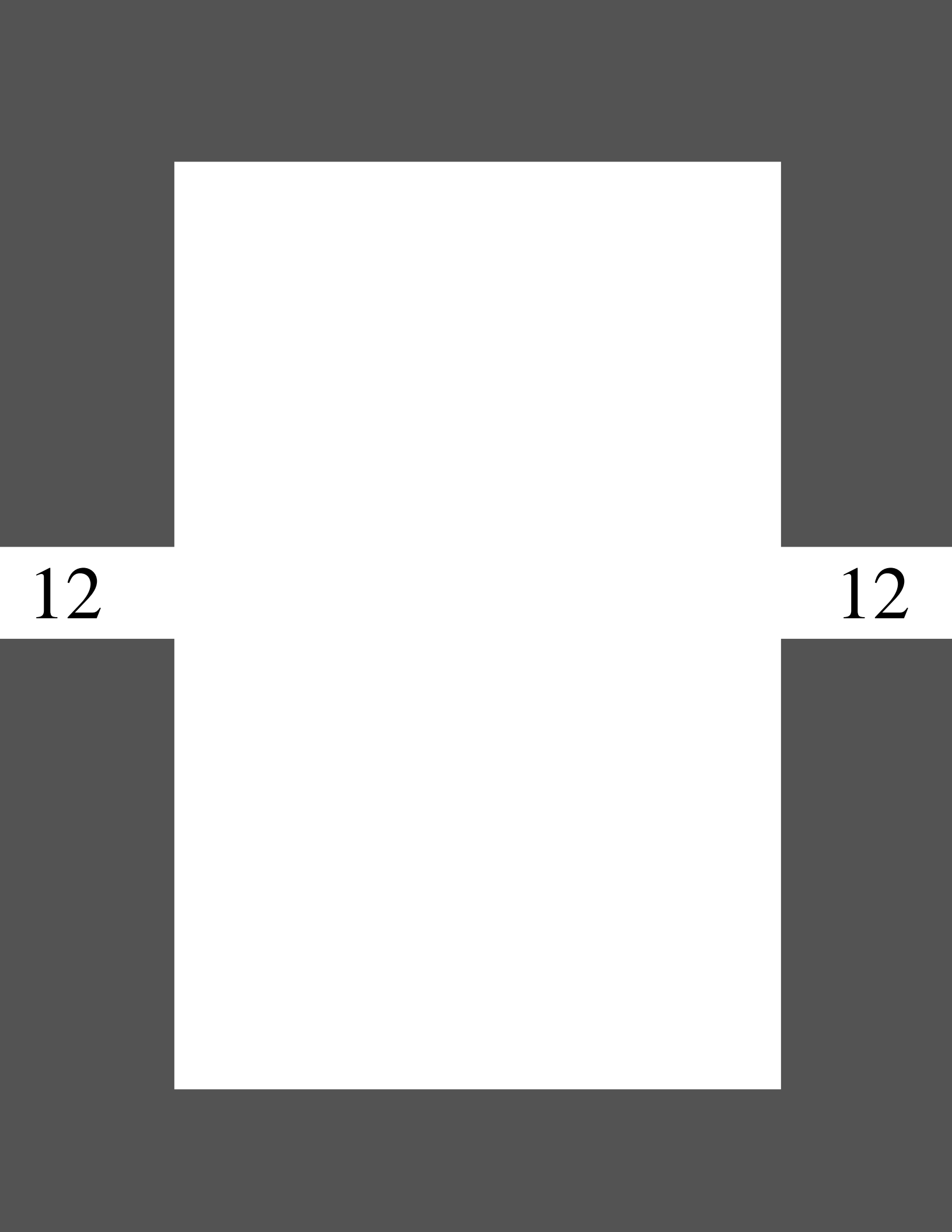
I certify that on January 12, 2022, I electronically filed and served the foregoing “*Defendants’ Reply in Support of Motion for Clarification*” through the Court’s electronic filing system, electronic service of the foregoing documents shall be submitted upon all recipients listed on the master service list.

/s/ Cynthia Kelley

An Employee of Lewis Roca Rothgerber Christie LLP

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**LEWIS**  **ROCA**



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

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special  
Administrator of the ESTATE OF TRACY  
ANN CIHAL,

Plaintiff,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive;  
and ROE CORPORATIONS I through V,  
inclusive,

Defendants.

AND ALL CONSOLIDATED MATTERS

Lead Case No.: A-20-808100-C

Consolidated Cases:

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)

Dept. No.: II

**NOTICE OF ENTRY OF ORDER**  
**DENYING DEFENDANT LAS VEGAS**  
**DRAGON HOTEL, LLC'S MOTION**  
**FOR CLARIFICATION**

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**NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LAS VEGAS  
DRAGON HOTEL, LLC'S MOTION FOR CLARIFICATION**

PLEASE TAKE NOTICE that the Order Denying Defendant Las Vegas Dragon Hotel, LLC'S Motion For Clarification was entered on February 22th, 2022, a copy of which is attached hereto as Exhibit 1.

DATED this 23rd day of February, 2022.

**EGLET ADAMS**

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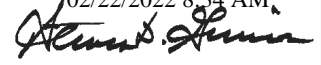
**CERTIFICATE OF SERVICE**

Pursuant to NEFC Rule 9(b), I hereby certify that on February 23, 2021, I caused the foregoing **NOTICE OF ENTRY ORDER DENYING DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S MOTION FOR CLARIFICATION** to be e-filed and e-served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court e-Filing System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules and entered on the Court's docket in the above-referenced matter.

/s/ Bianca Marx

An Employee of EGLET ADAMS

# Exhibit “1”

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*Attorneys for Plaintiffs Richard  
and Michelle Aikens, et al.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

DEBORAH CIHAL CRAWFORD,  
individually and as heir to the ESTATE OF  
TRACY ANN CIHAL; JOHN DOE  
ADMINISTRATOR, as Special  
Administrator of the ESTATE OF TRACY  
ANN CIHAL,

Plaintiff,

v.

LAS VEGAS DRAGON HOTEL, LLC, a  
Nevada limited-liability company doing  
business as the ALPINE MOTEL  
APARTMENTS; ADOLFO OROZCO, an  
individual; DOES 1 through 10; inclusive;  
and ROE CORPORATIONS I through V,  
inclusive,

Defendants.

Lead Case No.: A-20-808100-C

Consolidated Cases:

A-20-810951-C (*Roberts*)  
A-20-810949-C (*Lombardo*)  
A-20-814863-C (*Aikens*)  
A-20-816319-C (*Kelly/Spangler*)  
A-20-817072-C (*Rucker*)

Dept. No.: II

**ORDER DENYING DEFENDANT LAS  
VEGAS DRAGON HOTEL, LLC'S  
MOTION FOR CLARIFICATION**

AND ALL CONSOLIDATED MATTERS

///

///

///

**ORDER DENYING DEFENDANT LAS VEGAS DRAGON HOTEL, LLC'S  
MOTION FOR CLARIFICATION**

The Court, having reviewed Defendant Las Vegas Dragon Hotel, LLC's Motion for Clarification, Plaintiffs' Oppositions, and Defendant Las Vegas Dragon Hotel, LLC's Reply, the Court has determined that additional oral argument would not assist the Court and the Court will decide the Motion pursuant to EDCR 2.23.

The Court finds Defendant Las Vegas Dragon Hotel, LLC's motion was improperly brought as a Motion for Clarification and is instead, requesting the Court to reconsider Judge Bare's Order Denying Defendant's Motion to Dismiss that was filed on December 12, 2020. A motion for reconsideration is only appropriate in light of new facts, new law, or clear error. Defendant Las Vegas Dragon Hotel, LLC argues that during the ongoing criminal proceedings, new facts were learned in the form of testimony from Defendant Las Vegas Dragon Hotel, LLC's property manager that shed light on the factual basis for Plaintiffs' NRS 41.800 claims.

The Court finds that even if these were new facts that give rise to reconsideration, the time to file a motion for reconsideration expired on January 20, 2021. Additionally, a court may only clarify a previous order when the order is ambiguous. The Court finds that Judge Bare's Order Denying Defendant Las Vegas Dragon Hotel, LLC's Motion to Dismiss was clear and left no room for ambiguity.

For the foregoing reasons, the Court DENIES Defendant Las Vegas Dragon Hotel, LLC's Motion for Clarification. The Court also DENIES Plaintiffs' request for sanctions at this time and will vacate the hearing on Defendant Las Vegas Dragon Hotel, LLC's Motion for Clarification on February 16, 2022, to avoid Plaintiffs expending additional resources on this matter.

**IT IS HEREBY ORDERED** that Defendant Las Vegas Dragon Hotel, LLC's Motion for Clarification is DENIED.

**IT IS FURTHER ORDERED** that the Court declines Plaintiffs' request for sanctions at this time but will vacate the hearing on this Motion with this Order to avoid additional Plaintiff resources being spent on this matter.

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1 **IT IS FURTHER ORDERED** that the February 16, 2022 hearing date is hereby  
2 VACATED.

3 **IT IS SO ORDERED.**

4 DATED this day of February, 2022.

Dated this 22nd day of February, 2022

*Carli Kierney*

7 **Respectfully submitted by:**

ADB 018 3594 3A97  
Approved by Form and Content:  
Carli Kierney  
District Court Judge

8 DATED this 22nd day of February, 2022.

DATED this 17th day of February, 2022.

9 **EGLET ADAMS**

**HALL JAFFE & CLAYTON LLP**

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21 and Michelle Aikens, et al

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Attorneys for Defendants Las Vegas  
Dragon Hotel, LLC and Adolfo Orozco

18 DATED this 17th day of February, 2022.

19 **MURDOCK & ASSOCIATES CHTD**

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24 Nevada Bar No. 15291  
25 521 South 3rd Street  
26 Las Vegas, Nevada 89101  
27 Attorneys for Plaintiff Karen Kelly,  
28 Clark County Public Guardian for Christian  
Spangler

**Bianca Marx**

---

**From:** Robert Murdock <rem@keachmurdock.com>  
**Sent:** Thursday, February 17, 2022 2:04 PM  
**To:** Danielle Miller  
**Subject:** Re: Alpine Fire Litigation

**Importance:** High

Sign for me  
 Robert E. Murdock  
 MURDOCK & ASSOCIATES CHTD.  
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On Feb 17, 2022, at 7:05 AM, Danielle Miller <[dmiller@egletlaw.com](mailto:dmiller@egletlaw.com)> wrote:

Good morning,

To date, I have not received any revisions to the attached proposed Order denying Las Vegas Dragon's Motion for Clarification, nor have I received anyone's permission to submit their e-signature.

If you will **not** be approving the attached Order, please advise so that I can submit the Order without your signature and note that you will not be approving.

Thank you.

<image001.jpg>

Danielle C. Miller, Esq.  
 p: (702) 450-5400  
 w: [www.egletlaw.com](http://www.egletlaw.com)  
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 <image002.png><image003.png> <image004.png> <image005.png> <image006.png>

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**From:** Danielle Miller  
**Sent:** Friday, February 11, 2022 1:45 PM

**Bianca Marx**

**From:** Taylor Anderson <TAnderson@lawhjc.com>  
**Sent:** Thursday, February 17, 2022 1:56 PM  
**To:** Danielle Miller; Robert Murdock; Steve Jaffe; Marianne Sylva; Polsenberg, Daniel F.; Joel D. Henriod; Abraham Smith  
**Cc:** Bianca Marx; Sydney Murdock  
**Subject:** RE: Alpine Fire Litigation

You may submit with my signature. Thank you.

**Taylor R. Anderson, Esq.**  
**HALL JAFFE & CLAYTON, LLP**



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**From:** Danielle Miller <dmiller@egletlaw.com>  
**Sent:** Friday, February 11, 2022 1:43 PM  
**To:** Robert Murdock <rem@keachmurdock.com>; Steve Jaffe <Sjaffe@lawhjc.com>; Taylor Anderson <TAnderson@lawhjc.com>; Marianne Sylva <MSylva@lawhjc.com>; Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Joel D. Henriod <JHenriod@lewisroca.com>; Abraham Smith <asmith@lewisroca.com>  
**Cc:** Bianca Marx <BMarx@egletlaw.com>; Sydney Murdock <sem@murdockassociates.com>  
**Subject:** Alpine Fire Litigation  
**Importance:** High

Counsel,

Attached is a draft of the Order Denying Las Vegas Dragon's Motion for Clarification pursuant to the Court's Minute Order entered on February 10, 2022.

At your earliest convenience, please provide me with any revisions and/or additions you would like me to make, or feel free to track your changes and return for my review.

In the event you do not have any changes, please confirm that I have your permission to affix your e-signature and submit. Thank you.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Deborah Cihal Crawford,  
7 Plaintiff(s)

CASE NO: A-20-808100-C

8 vs.

DEPT. NO. Department 2

9 Las Vegas Dragon Hotel LLC,  
10 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 Denying was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

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