

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

MICHAEL B. LEE, ESQ.
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Attorney for Defendants

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

W L A B INVESTMENT, LLC,

Plaintiff,

vs.

CASE NO.: A-18-785917-C
DEPT. NO.: VII

NOTICE OF APPEAL

TKNR INC., a California Corporation, and
CHI ON WONG aka CHI KUEN WONG, an
individual, and KENNY ZHONG LIN, aka
KEN ZHONG LIN aka KENNETH ZHONG
LIN aka WHONG K. LIN aka CHONG
KENNY LIN aka ZHONG LIN, an
individual, and LIWE HELEN CHEN aka
HELEN CHEN, an individual and YAN QIU
ZHANG, an individual, and INVESTPRO
LLC dba INVESTPRO REALTY, a Nevada
Limited Liability Company, and MAN
CHAU CHENG, an individual, and JOYCE
A. NICKRANDT, an individual, and
INVESTPRO INVESTMENTS LLC, a
Nevada Limited Liability Company, and
INVESTPRO MANAGER LLC, a Nevada
Limited Liability Company and JOYCE A.
NICKRANDT, an individual and Does 1
through 15 and Roe Corporation I - XXX,

Defendants.

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MICHAEL B. LEE, P.C.
1820 E. SAHARA AVENUE, SUITE 110
LAS VEGAS, NEVADA 89104
TEL – (702) 477.7030; FAX – (702) 477.0096

1 Please take notice that Defendant TKNR INC. (“TKNR” or “Defendant”) hereby appeals
2 to the Nevada Court of Appeals from the certain Decision & Order entered on October 25, 2022,
3 denying Defendants’ Motion for Attorneys’ Fees.

4 DATED this 31st day of October, 2022.

5 MICHAEL B. LEE, P.C.

6 /s/ Michael Matthis
7 MICHAEL B. LEE, ESQ. (NSB No.: 10122)
8 MICHAEL MATTHIS, ESQ. (NSB No.: 14582)
9 1820 East Sahara Avenue, Suite 110
10 Las Vegas, Nevada 89104
11 Telephone: (702) 477.7030
12 Facsimile: (702) 477.0096
13 mike@mblnv.com
14 *Attorney for Defendants*

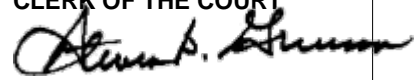
MICHAEL B. LEE, P.C.
1820 E. SAHARA AVENUE, SUITE 110
LAS VEGAS, NEVADA 89104
TEL – (702) 477.7030; FAX – (702) 477.0096

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of October, 2022, I placed a copy of the **NOTICE OF APPEAL** as required by Eighth Judicial District Court Rule 7.26 by delivering a copy or by mailing by United States mail it to the last known address of the parties listed below, facsimile transmission to the number listed, and/or electronic transmission through the Court's electronic filing system to the e-mail address listed below:

Frank Miao
9101 Quiet Cove Way
Las Vegas, NV 89117
frankmiao@yahoo.com
Plaintiff

/s/Mindy Pallares
An employee of MICHAEL B. LEE, P.C.



MICHAEL B. LEE, ESQ.
Nevada State Bar No. 10122
MICHAEL MATTHIS, ESQ.
Nevada State Bar No. 14582
MICHAEL B. LEE, P.C.
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mike@mblnv.com
Attorney for Defendants

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

W L A B INVESTMENT, LLC,

Plaintiff,

vs.

CASE NO.: A-18-785917-C
DEPT. NO.: VII

CASE APPEAL STATEMENT

TKNR INC., a California Corporation, and
CHI ON WONG aka CHI KUEN WONG, an
individual, and KENNY ZHONG LIN, aka
KEN ZHONG LIN aka KENNETH ZHONG
LIN aka WHONG K. LIN aka CHONG
KENNY LIN aka ZHONG LIN, an
individual, and LIWE HELEN CHEN aka
HELEN CHEN, an individual and YAN QIU
ZHANG, an individual, and INVESTPRO
LLC dba INVESTPRO REALTY, a Nevada
Limited Liability Company, and MAN
CHAU CHENG, an individual, and JOYCE
A. NICKRANDT, an individual, and
INVESTPRO INVESTMENTS LLC, a
Nevada Limited Liability Company, and
INVESTPRO MANAGER LLC, a Nevada
Limited Liability Company and JOYCE A.
NICKRANDT, an individual and Does 1
through 15 and Roe Corporation I - XXX,

Defendants.

1. Name of appellant filing this case appeal statement:

Defendant TKNR INC.

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

Hon. Linda Marie Bell, Department 7, of the Eighth Judicial District Court, County of
Clark.

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

Appellants – TKNR INC.:

Michael B. Lee, Esq.
MICHAEL B. LEE, P.C.
2000 So. Eastern Avenue
Las Vegas, NV 89104
Tel – 702.731.0244
Fax – 702.477.0096
Counsel for Appellant

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

Respondent – W L A B INVESTMENT, LLC

Respondent's Appellate Counsel is Unknown. Counsel at time of Trial was:

DAY & ASSOCIATES
1060 Wigwam Parkway
Henderson, NV 89074
Tel. (702)309-3333
Fax (702)309-1085
sday@dayattorneys.com

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:**

All listed are licensed to practice law in Nevada.

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

Appellants were represented by retained counsel in the district court action.

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

Appellants are represented by retained counsel on appeal.

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

Appellants have not requested leave to proceed in forma pauperis.

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

Respondent filed the Complaint filed on November 14, 2014.

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

Respondent filed a complaint against Appellants related to the purchase of real property by Respondent from Defendant TKNR. Appellants filed for summary judgment on all of Plaintiff's claims, which was granted by the District Court and affirmed by the Supreme Court. Appellants were granted attorneys' fees by the then-presiding judge, Honorable Judge Adrianna Escobar, in connection with the order granting summary judgment in favor of Appellants. Respondent appealed the entry of summary judgment and award of attorneys' fees. The summary judgment was affirmed but the award of attorneys' fees was reversed for procedural concerns. Appellants filed a motion for attorneys' fees following the Supreme Court's decision, which was denied by the Honorable Judge Linda Marie Bell. The Decision & Order denying Appellants' Motion for Attorneys' Fees is the subject of the instant appeal.

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

Supreme Court Case Nos. 82967, 82835, and 83051

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

Not applicable.

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

Appellants are open to resolving this case through settlement.

DATED this 31st day of October, 2022.

MICHAEL B. LEE, P.C.

/s/ Michael Matthis
MICHAEL B. LEE, ESQ. (NSB No.: 10122)
MICHAEL MATTHIS, ESQ. (NSB No.: 14582)
1820 East Sahara Avenue, Suite 110
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
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mike@mblnv.com
Attorney for Defendants

MICHAEL B. LEE, P.C.
1820 E. SAHARA AVENUE, SUITE 110
LAS VEGAS, NEVADA 89104
TEL – (702) 477.7030; FAX – (702) 477.0096

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of October, 2022, I placed a copy of the **CASE APPEAL STATEMENT** as required by Eighth Judicial District Court Rule 7.26 by delivering a copy or by mailing by United States mail it to the last known address of the parties listed below, facsimile transmission to the number listed, and/or electronic transmission through the Court’s electronic filing system to the e-mail address listed below:

Frank Miao
9101 Quiet Cove Way
Las Vegas, NV 89117
frankmiao@yahoo.com
Plaintiff

/s/Mindy Pallares
An employee of MICHAEL B. LEE, P.C.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-18-785917-C**

W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

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§
§
§
§

Location: **Department 7**
 Judicial Officer: **Bell, Linda Marie**
 Filed on: **12/11/2018**
 Case Number History:
 Cross-Reference Case Number: **A785917**
 Supreme Court No.: **82835**
83051

CASE INFORMATION**Statistical Closures**

05/25/2021 Stipulated Judgment
 04/07/2021 Summary Judgment
 03/30/2021 Summary Judgment

Case Type: **Other Real Property**

Case
Status: **07/26/2022 Reopened**










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

Case Number A-18-785917-C
 Court Department 7
 Date Assigned 07/05/2022
 Judicial Officer Bell, Linda Marie

PARTY INFORMATION













		<i>Lead Attorneys</i>
Plaintiff	W L A B Investment LLC	Day, Steven L. <i>Retained</i> 7023093333(W)
Defendant	Chen, Liwe Helen	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Cheng, Man Chau	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Investpro Investments I LLC	Pierce, Nikita R. <i>Retained</i> 702-481-9207(W)
	Investpro LLC	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Investpro Manager LLC	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Lin, Zhong Kenny	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Nickrandt, Joyce A	Lee, Michael B. <i>Retained</i> 702-477-7030(W)
	Nickrandt, Joyce A. Removed: 03/04/2019 Data Entry Error	

CASE SUMMARY**CASE NO. A-18-785917-C****TKNR Inc****Lee, Michael B.**
Retained
702-477-7030(W)**Wong, Chi On****Lee, Michael B.**
Retained
702-477-7030(W)**Zhang, Yan Qiu****Lee, Michael B.**
Retained
702-477-7030(W)**Arbitrator** **Savage, John J.****Other** **Childs, Benjamin B., ESQ**

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
12/11/2018	 Complaint Filed By: Plaintiff W L A B Investment LLC <i>[1] Complaint</i>	
12/11/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff W L A B Investment LLC <i>[2] Summons</i>	
12/11/2018	 Initial Appearance Fee Disclosure Filed By: Plaintiff W L A B Investment LLC <i>[3] Initial Appearance Fee Disclosure</i>	
12/26/2018	 Summons Filed by: Plaintiff W L A B Investment LLC <i>[4] Summons</i>	
12/26/2018	 Summons Filed by: Plaintiff W L A B Investment LLC <i>[5] Summons</i>	
12/26/2018	 Summons Filed by: Plaintiff W L A B Investment LLC <i>[6] Summons</i>	
12/26/2018	 Summons Filed by: Plaintiff W L A B Investment LLC <i>[7] Summons</i>	
01/07/2019	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A <i>[9] Defendants Motion to Dismiss, Alternative Motion for More Definite Statement, Alternative Motion for Summary Judgment</i>	
01/09/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A <i>[8] Initial Appearance Fee Disclosure</i>	





CASE SUMMARY

CASE NO. A-18-785917-C

01/25/2019	 Opposition and Countermotion <i>[10] Opposition To Defendants Motion To Dismiss / Alternative For Summary Judgment / Alternative For A More Definite Statement And Conditional Countermotion For Continuance Based On NRCP 56(F) If The Court Treats Defendant s Motion As One For Summary Judgment</i>
02/04/2019	 Reply to Motion Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A <i>[11] Reply to Defendants Motion to Dismiss</i>
03/04/2019	 Amended Complaint Filed By: Plaintiff W L A B Investment LLC <i>[12] Amedned Complaint</i>
03/19/2019	 Answer Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[13] Answer for Defendants</i>
03/29/2019	 Demand for Jury Trial Filed By: Plaintiff W L A B Investment LLC <i>[14] Demand for Jury Trial</i>
04/12/2019	 NRCP 16.1 Disclosure Statement Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[15] NRCP 16.1 Disclosure Statement</i>
05/08/2019	 Appointment of Arbitrator <i>[16] Appointment of Arbitrator</i>
05/21/2019	 Notice of Early Arbitration Conference Filed By: Arbitrator Savage, John J. <i>[17] Notice of Early Arbitration Conference</i>
05/30/2019	 Notice of Early Arbitration Conference Filed By: Arbitrator Savage, John J. <i>[18] Notice of Early Arbitration Conference</i>
05/31/2019	 Notice of Early Arbitration Conference Filed By: Arbitrator Savage, John J. <i>[19] Notice of Early Arbitration Conference</i>
06/04/2019	 Joint Request for Exemption Filed by: Plaintiff W L A B Investment LLC <i>[20] JOINT REQUEST FOR EXEMPTION FROM ARBITRATION</i>
06/05/2019	 Joint Request for Exemption Filed by: Plaintiff W L A B Investment LLC <i>[21] JOINT REQUEST FOR EXEMPTION FROM ARBITRATION</i>

CASE SUMMARY











CASE NO. A-18-785917-C

06/10/2019	 Arbitration Discovery Order Filed By: Arbitrator Savage, John J. <i>[22] Arbitration Discovery Order</i>
06/10/2019	 Notice to Appear for Arbitration Hearing Filed by: Arbitrator Savage, John J. <i>[23] Notice to Appear for Arbitration Hearing</i>
06/20/2019	 Commissioners Decision on Request for Exemption - Granted <i>[24] Commissioner's Decision on Joint Request for Exemption - GRANTED</i>
06/25/2019	 Arbitrators Bill for Fees and Costs Filed By: Arbitrator Savage, John J. <i>[25] Arbitrator's Bill for Fees and Costs</i>
07/11/2019	 Joint Case Conference Report Filed By: Plaintiff W L A B Investment LLC <i>[26] JOINT CASE CONFERENCE REPORT</i>
08/07/2019	 Mandatory Rule 16 Conference Order <i>[27] Mandatory Rule 16 Pre-Trial Scheduling Conference Order</i>
12/02/2019	 Substitution of Attorney <i>[28] Substitution of Attorney for Plaintiff</i>
12/16/2019	 Discovery Scheduling Order <i>[29] Scheduling Order</i>
12/16/2019	 Discovery Scheduling Order <i>[30] Scheduling Order</i>
05/28/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff W L A B Investment LLC <i>[31] Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
06/16/2020	 Substitution of Attorney Filed by: Plaintiff W L A B Investment LLC <i>[32] SUBSTITUTION OF ATTORNEY</i>
06/26/2020	 Order Setting Civil Jury Trial and Calendar Call <i>[33] Scheduling Order and Order Setting Civil Jury Trial</i>
10/15/2020	 Motion to Extend Discovery Filed By: Defendant TKNR Inc <i>[34] Defendants Motion to Enlarge Discovery (First Request) On an Order Shortening Time</i>
10/16/2020	 Clerk's Notice of Hearing <i>[35] Notice of Hearing</i>
10/19/2020	 Opposition to Motion Filed By: Plaintiff W L A B Investment LLC <i>[36] PLAINTIFF S PARTIAL OPPOSITION TO MOTION TO EXTEND DISCOVERY</i>

CASE SUMMARY

CASE NO. A-18-785917-C

DEADLINES

10/21/2020	 Clerk's Notice of Nonconforming Document <i>[37] Clerk's Notice of Nonconforming Document</i>
10/22/2020	 Substitution of Attorney Filed by: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[38] Substitution of Counsel for Defendants</i>
11/02/2020	 Order <i>[39] ORDER SETTING SETTLEMENT CONFERENCE</i>
11/04/2020	 Order Granting Motion Filed By: Attorney Pierce, Nikita R.; Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[40] Order Granting Defendants Motion to Enlarge Discovery (First Request) on Order Shortening Time</i>
11/11/2020	 Order Shortening Time Filed By: Defendant TKNR Inc; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC <i>[41] Defendants' Motion for leave File Amended Answer Counterclaims, and Third -Party Claims on and Order Shortening Time</i>
11/12/2020	 Exhibits Filed By: Defendant TKNR Inc <i>[42] Exhibits to Defendants Motion for Leave to File Amended Answer, Counterclaims, and Third-Party Claims on an Order Shortening Time</i>
11/16/2020	 Opposition to Motion Filed By: Plaintiff W L A B Investment LLC <i>[43] Limited Opposition to Defendants' Motion to File Amended Answer, Counterclaim and Third-Party Claim</i>
11/17/2020	 Reply to Opposition Filed by: Defendant TKNR Inc <i>[44] Defendants Reply to Limited Opposition to Motion for Leave to File Amended Answer, Counterclaims, and Third-Party Claims on an Order Shortening Time</i>
11/20/2020	 Motion for Leave to File <i>[45] Plaintiff's Motion for Leave to File Second Amended Complaint</i>
11/23/2020	 Stipulation and Order to Amend Filed By: Plaintiff W L A B Investment LLC <i>[46] Stipulation and Order for Leave to File Second Amended Complaint</i>
11/23/2020	 Notice of Entry of Order Filed By: Plaintiff W L A B Investment LLC <i>[47] NOTICE OF ENTRY OF STIPULATION AND ORDER FOR LEAVE TO FILE SECOND AMENDED COMPLAINT</i>

CASE SUMMARY

CASE NO. A-18-785917-C

11/23/2020	 Second Amended Complaint Filed By: Plaintiff W L A B Investment LLC <i>[48] Second Amended Complaint</i>
11/23/2020	 Clerk's Notice of Hearing <i>[49] Notice of Hearing</i>
12/02/2020	 Order Granting Motion Filed By: Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau <i>[50] Order Granting Defendant's Motion for Leave to File Amended Answer, Counterclaims, and Third Party Claims on Order Shortening Time</i>
12/11/2020	 Order <i>[51] ORDER VACATING SETTLEMENT CONFERENCE</i>
12/15/2020	 Motion for Summary Judgment Filed By: Defendant TKNR Inc <i>[52] Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i>
12/15/2020	 Clerk's Notice of Hearing <i>[53] Notice of Hearing</i>
12/29/2020	 Opposition and Countermotion Filed By: Plaintiff W L A B Investment LLC <i>[54] Opposition to Defendant's Motion for Summary Judgment Countermotion for Continuance Based on NRCP 56(f) and Countermotion for Imposition of Monetary Sanctions</i>
01/06/2021	 Motion to Compel Filed By: Plaintiff W L A B Investment LLC <i>[55] Motion to Compel Discovery and for Imposition of Sactions</i>
01/06/2021	 Motion for Protective Order Filed By: Defendant TKNR Inc <i>[56] Defendants Motion for a Protective Order and Other Relief</i>
01/07/2021	 Clerk's Notice of Hearing <i>[57] Notice of Hearing</i>
01/07/2021	 Notice of Change of Hearing <i>[58] Notice of Change of Hearing</i>
01/07/2021	 Clerk's Notice of Hearing <i>[59] Notice of Hearing</i>
01/07/2021	 Application Filed By: Defendant TKNR Inc <i>[60] Application for Order Shortening Time on Defendants' Motion for Protective Order and Other Relief</i>
01/08/2021	 Order Shortening Time Filed By: Defendant TKNR Inc; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng,

CASE SUMMARY

CASE NO. A-18-785917-C

Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC
[61] Order Shortening Time for Defendants' Motion for Protective Order and Other Relief

01/19/2021



Opposition to Motion to Compel

Filed By: Defendant TKNR Inc

[62] Defendants' Opposition to Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions

01/20/2021



Opposition to Motion For Protective Order

Filed By: Plaintiff W L A B Investment LLC

[63] Plaintiff's Opposition to Defendants' Motion For Protective Order and Other Relief

01/21/2021



Reply to Opposition

Filed by: Defendant TKNR Inc

[64] Reply to Plaintiff's Opposition to Defendants Motion for Summary Judgment and Opposition to Plaintiff's Countermotions for Continuance based on NRCP 56(f) and for Imposition of Sanctions

01/29/2021



Supplement

Filed by: Defendant TKNR Inc

[65] Supplement to Defendants' Motion for Summary Judgment and Opposition to Countermotion for Continuance based on NRCP 56(f) and Countermotion for Imposition of Monetary Sanctions

02/01/2021



Reply to Opposition

Filed by: Defendant TKNR Inc

[66] Reply to Opposition to Defendants' Motion for Protective Order

02/10/2021



Motion to Compel

Filed By: Plaintiff W L A B Investment LLC

[67] Plaintiff's Renewed Motion to Compel Discovery and for Imposition of Sanctions

02/10/2021



Application

Filed By: Plaintiff W L A B Investment LLC

[68] APPLICATION FOR ORDER SHORTENING TIME

02/11/2021



Clerk's Notice of Hearing

[69] Notice of Hearing

02/11/2021



Motion

Filed By: Plaintiff W L A B Investment LLC

[70] Motion to Exceed Page Limit for Plaintiff's Renewed Motion to Compel Discovery and for Imposition of Sanctions

02/11/2021



Clerk's Notice of Hearing

[71] Notice of Hearing

02/11/2021



Order Shortening Time

Filed By: Plaintiff W L A B Investment LLC

[72] Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: Man Chau Cheng - Answers to Interrogatories and Investpro Investments I, LLC - Answers to Interrogatories on Order Shortening Time

02/11/2021



Order Shortening Time

Filed By: Plaintiff W L A B Investment LLC

CASE SUMMARY

CASE NO. A-18-785917-C

[73] Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: TKNR - Request for Production of Documents Chi Wong - Request for Production of Documents Investpro LLC - Request for Production of Documents on Order Shortening Time

02/11/2021



Order Shortening Time

Filed By: Plaintiff W L A B Investment LLC

[74] Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: Investpro Manager LLC- Second Request for Production of Documents Investpro Investments I, LLC - Request for Production of Documents on Order Shortening Time

02/12/2021



Notice of Entry of Order

Filed By: Plaintiff W L A B Investment LLC

[75] NOTICE OF ENTRY OF ORDER SHORTENING TIME - PLAINTIFF S MOTION TO COMPEL DISCOVERY AND FOR IMPOSITION OF SANCTIONS re: TKNR - Request for Production of Documents and CHI WONG - Request for Production of Documents and INVESTPRO LLC - Request for Production of Documents.

02/12/2021



Notice of Entry of Order

Filed By: Plaintiff W L A B Investment LLC

[76] NOTICE OF ENTRY OF ORDER re PLAINTIFF S MOTION TO COMPEL DISCOVERY AND FOR IMPOSITION OF SANCTIONS re: INVESTPRO MANAGER LLC- Second Request for Production of Documents and INVESTPRO INVESTMENTS I, LLC - Request for Production of Documents.

02/12/2021



Notice of Entry of Order

Filed By: Plaintiff W L A B Investment LLC

[77] NOTICE OF ENTRY OF ORDER SHORTENING TIME re PLAINTIFF S MOTION TO COMPEL DISCOVERY AND FOR IMPOSITION OF SANCTIONS re: MAN CHAU CHENG - Answers to Interrogatories and INVESTPRO INVESTMENTS I, LLC - Answers to Interrogatories.

02/16/2021



Reply to Opposition

Filed by: Plaintiff W L A B Investment LLC

[78] Plaintiff's Reply to Opposition to Counter motions

02/18/2021



Opposition and Counter motion

Filed By: Defendant TKNR Inc

[79] Opposition to Plaintiff's Motion to Compel and for Imposition of Sanctions and Counter motion for Protective Order or Other Relief

02/24/2021



Notice

[80] Notice re: Defendants' Opposition to Plaintiff's Motions to Compel and Counter motion for Protective Order

02/24/2021



Reply to Opposition

Filed by: Plaintiff W L A B Investment LLC

[81] Reply to Opposition to Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: Investpro Manager LLC - Second Request for Production of Documents and Investpro Investments I, LLC - Request for Production of Documents and Opposition to Counter motion for Protective Order and Other Relief

02/24/2021



Reply to Opposition

Filed by: Plaintiff W L A B Investment LLC

[82] Reply to Opposition to Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions











03/04/2021



Supplement













CASE SUMMARY

CASE NO. A-18-785917-C

	<p>Filed by: Plaintiff W L A B Investment LLC <i>[83] SUPPLEMENT TO PLAINTIFF S REPLY TO OPPOSITION TO COUNTERMOTIONS</i></p>
03/04/2021	<p> Motion to Withdraw As Counsel Filed By: Plaintiff W L A B Investment LLC <i>[84] Benjamin Childs' Motion to Withdraw as Attorney for Plaintiff/Counterdefendant</i></p>
03/05/2021	<p> Clerk's Notice of Hearing <i>[85] Notice of Hearing</i></p>
03/05/2021	<p> Certificate of Service Filed by: Plaintiff W L A B Investment LLC <i>[86] CERTIFICATE OF SERVICE</i></p>
03/10/2021	<p> Substitution of Attorney Filed by: Plaintiff W L A B Investment LLC <i>[87] SUBSTITUTION OF ATTORNEYS</i></p>
03/30/2021	<p> Order Filed By: Attorney Pierce, Nikita R.; Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[88] Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i></p>
03/31/2021	<p> Notice of Entry of Order Filed By: Defendant TKNR Inc <i>[89] Notice of Entry of Order Granting Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i></p>
04/06/2021	<p> Affidavit in Support of Attorney Fees Filed By: Attorney Lee, Michael B.; Attorney Pierce, Nikita R.; Plaintiff W L A B Investment LLC; Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[90] Affidavit in Support of Attorneys Fees for Order Granting Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i></p>
04/07/2021	<p> Amended Order Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[91] Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i></p>
04/08/2021	<p> Notice of Entry of Order Filed By: Defendant TKNR Inc <i>[92] Notice of Entry of Amended Order Granting Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i></p>
04/15/2021	<p> Recorders Transcript of Hearing Party: Plaintiff W L A B Investment LLC <i>[93] Recorder's Transcript of Hearing Re: All Pending Motions heard 3-11-21</i></p>














CASE SUMMARY

CASE NO. A-18-785917-C

04/16/2021	 Motion to Reconsider Filed By: Plaintiff W L A B Investment LLC <i>[94] Plaintiff's Motion to Reconsider</i>
04/16/2021	 Clerk's Notice of Hearing <i>[95] Notice of Hearing</i>
04/26/2021	 Notice of Appeal Filed By: Plaintiff W L A B Investment LLC <i>[96] Notice of Appeal</i>
04/26/2021	 Case Appeal Statement Filed By: Plaintiff W L A B Investment LLC <i>[97] Case Appeal Statement</i>
04/30/2021	 Errata Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[98] Errata to Defendants' Motion for Summary Judgment, or in the alternative, Partial Summary Judgment</i>
04/30/2021	 Opposition to Motion Filed By: Defendant TKNR Inc <i>[99] Opposition to Plaintiff's Motion to Reconsider</i>
05/11/2021	 Reply to Motion Filed By: Plaintiff W L A B Investment LLC <i>[100] Plaintiff's Reply to Defendants' Opposition to Motion for Reconsideration</i>
05/25/2021	 Order Filed By: Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[101] Order Granting in Part and Denying in Part Plaintiff's Motion for Reconsideration and Judgment Against Plaintiff and previous Counsel</i>
05/25/2021	 Notice of Entry of Order Filed By: Defendant TKNR Inc <i>[102] Notice of Entry of Order and Judgment</i>
06/07/2021	 Declaration Filed By: Defendant TKNR Inc <i>[103] Declaration in Support of Recording Judgment</i>
06/08/2021	 Notice of Appeal Filed By: Plaintiff W L A B Investment LLC <i>[104] Notice of Appeal</i>
06/08/2021	 Case Appeal Statement Filed By: Plaintiff W L A B Investment LLC <i>[105] Case Appeal Statement</i>














CASE SUMMARY

CASE NO. A-18-785917-C

06/13/2021	 Order Shortening Time Filed By: Plaintiff W L A B Investment LLC <i>[106] Motion for Stay of Execution of Judgment Pending Appeal on Order Shortening Time</i>
06/14/2021	 Certificate of Service Filed by: Plaintiff W L A B Investment LLC <i>[107] Certificate of Service</i>
06/22/2021	 Opposition Filed By: Defendant TKNR Inc <i>[108] Opposition to Plaintiff's Motion for Stay of Execution of Judgment Pending Appeal on Order Shortening Time</i>
06/22/2021	 Reply Filed by: Plaintiff W L A B Investment LLC <i>[109] Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Stay of Execution of Judgment Pending Appeal on Order Shortening Time</i>
10/25/2021	 Notice of Department Reassignment <i>[110] Notice of Department Reassignment</i>
11/08/2021	 Order <i>[111] ORDER SETTING FURTHER PROCEEDINGS RE: SUPREME COURT ORDER</i>
11/16/2021	 Status Report Filed By: Other Childs, Benjamin B., ESQ <i>[112] Status Report</i>
11/17/2021	 Brief Filed By: Other Childs, Benjamin B., ESQ <i>[113] Brief</i>
11/17/2021	 Status Report Filed By: Defendant TKNR Inc <i>[114] Defendant's Status Report following Remittur</i>
12/01/2021	 Order <i>[115] (12/20/21 Vacated) ORDER</i>
12/02/2021	 Notice of Entry of Order Filed By: Plaintiff W L A B Investment LLC <i>[116] Notice of Entry of Order</i>
12/08/2021	 Motion to Reconsider Filed By: Defendant TKNR Inc <i>[117] Defendants' Motion to Reconsideration</i>
12/08/2021	 Application Filed By: Defendant TKNR Inc <i>[118] Application for Order Shortening Time on Defendants' Motion for Reconsideration</i>
12/09/2021	 Clerk's Notice of Hearing <i>[119] Notice of Hearing</i>













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12/09/2021	 Clerk's Notice of Hearing <i>[120] Notice of Hearing</i>
12/10/2021	 Order Shortening Time Filed By: Plaintiff W L A B Investment LLC <i>[121] Ordering Shortening Time on Defendants' Motion for Reconsideration</i>
12/11/2021	 Opposition to Motion <i>[122] OPPOSITION</i>
12/13/2021	 Opposition to Motion Filed By: Plaintiff W L A B Investment LLC <i>[123] Plaintiff's Opposition to Defendants' Motion for Reconsideration</i>
12/20/2021	 Order Granting Motion <i>[124] Order Granting Defendants' Motion for Reconsideration; Vacating the Court's Order Entered 12/1/21; and Vacating a Portion of the 5/25/21 Order</i>
12/21/2021	 Notice of Entry of Order Filed By: Defendant TKNR Inc <i>[125] Notice of Entry of Order Granting Defendants Motion for Reconsideration; Vacating the Court's Order Entered 12/1/21; and Vacating a Portion of the 5/25/21 Order</i>
12/28/2021	 Order Shortening Time Filed By: Plaintiff W L A B Investment LLC <i>[126] Motion for Stay of Execution of Judgment Pending Appeal without Security on Order Shortening Time</i>
12/28/2021	 Certificate of Service Filed by: Plaintiff W L A B Investment LLC <i>[127] Certificate of Service</i>
01/07/2022	 Opposition to Motion Filed By: Defendant TKNR Inc <i>[128] Opposition to Motion for Stay of Execution of Judgment Pending Appeal without Security on OST</i>
01/14/2022	 Reply Filed by: Plaintiff W L A B Investment LLC <i>[129] Plaintiff's Reply to Defendants' Opposition to Motion for Stay of Execution of Judgment Pending Appeal Without Security on Order Shortening Time</i>
01/21/2022	 Order <i>[130] Order RE: Plaintiff's Motion for Stay of Execution of Judgment Pending Appeal Without Security</i>
01/21/2022	 Notice of Entry of Order Filed By: Plaintiff W L A B Investment LLC <i>[131] Notice of Entry of Order</i>
02/23/2022	 Stipulation and Order Filed by: Attorney Lee, Michael B.; Attorney Pierce, Nikita R.; Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Investments I LLC; Defendant Investpro Manager

CASE SUMMARY

CASE NO. A-18-785917-C

	<p>LLC; Defendant Zhang, Yan Qiu <i>[132] Stipulation and Order Settling Protocol for Supersedeas Bond</i></p>
02/24/2022	<p> Notice of Entry of Stipulation and Order Filed By: Defendant TKNR Inc <i>[133] Notice of Entry of Stipulation and Order Settling Protocol for Supersedeas Bond</i></p>
06/17/2022	<p> Stipulation and Order <i>[134] Stipulation and Order Releasing Trust Monies</i></p>
06/20/2022	<p> Notice of Entry of Order Filed By: Plaintiff W L A B Investment LLC <i>[135] Notice of Entry of Order</i></p>
07/05/2022	<p>Case Reassigned to Department 7 <i>Pursuant to Administrative Order 22-09 - Case Reassigned from Judge Jerry A. Wiese to Judge Linda Marie Bell</i></p>
07/26/2022	<p> NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[136] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Docket no. 82835 and Reversed in Docket no. 83051; Rehearing Denied</i></p>
08/10/2022	<p> Motion for Attorney Fees and Costs Filed By: Defendant TKNR Inc <i>[137] Defendants' Motion for Attorneys' Fees and Costs</i></p>
08/10/2022	<p> Appendix Filed By: Attorney Lee, Michael B.; Defendant TKNR Inc; Defendant Wong, Chi On; Defendant Lin, Zhong Kenny; Defendant Investpro LLC; Defendant Nickrandt, Joyce A; Defendant Chen, Liwe Helen; Defendant Cheng, Man Chau; Defendant Investpro Manager LLC; Defendant Zhang, Yan Qiu <i>[138] Appendix to Defendants' Motion for Attorneys' Fees and Costs</i></p>
08/10/2022	<p> Clerk's Notice of Hearing Party: Defendant TKNR Inc <i>[139] Notice of Hearing</i></p>
08/22/2022	<p> Motion for Attorney Fees and Costs Filed By: Defendant TKNR Inc <i>[140] Defendants' Motion for Attorneys' Fees and Costs</i></p>
08/22/2022	<p> Appendix Filed By: Plaintiff W L A B Investment LLC <i>[141] Appendix to Motion for Attorneys' Fees and Costs</i></p>
08/24/2022	<p> Opposition to Motion Filed By: Plaintiff W L A B Investment LLC <i>[142] Plaintiff's Opposition to Defendants' Motion for Attorney's Fees</i></p>
08/25/2022	<p> Supplement Filed by: Defendant TKNR Inc <i>[143] Supplement to Defendants' Motion for Attorneys' Fees and Costs</i></p>
09/01/2022	<p> Response Filed by: Plaintiff W L A B Investment LLC</p>

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[144] Plaintiff's Response to Defendants' Supplement to Motion for Attorney Fees

09/01/2022



Notice of Change of Hearing

[145] Notice of Change of Hearing

09/07/2022



Reply

Filed by: Plaintiff W L A B Investment LLC

[146] Reply to Plaintiff's Opposition to Defendant's Motion for Attorneys' Fees

09/16/2022



Motion to Withdraw As Counsel

Filed By: Plaintiff W L A B Investment LLC

[147] Motion to Withdraw

09/19/2022



Clerk's Notice of Nonconforming Document

[148] Clerk's Notice of Nonconforming Document

09/27/2022



Order Granting Motion

[149] Order Granting Motion to Withdraw

09/28/2022



Notice of Attorney Lien

Filed By: Plaintiff W L A B Investment LLC

[150] Notice of Attorney Lien

09/28/2022



Notice of Entry of Order

Filed By: Plaintiff W L A B Investment LLC

[151] Notice of Entry of Order

10/13/2022



Clerk's Notice of Nonconforming Document and Curative Action

[152] Clerks Notice of Nonconforming Document and Creative Action

10/18/2022



Decision and Order

[153] Decision and Order

10/25/2022



Notice of Entry of Order

Filed By: Defendant TKNR Inc

[154] Notice of Entry of Order Denying Defendants' Motion fo Attorneys' Fees

10/31/2022



Notice of Appeal

Filed By: Defendant TKNR Inc

[155] Notice of Appeal

10/31/2022



Case Appeal Statement

Filed By: Defendant TKNR Inc

[156] Case Appeal Statement

DISPOSITIONS

04/07/2021

Amended Summary Judgment (Judicial Officer: Escobar, Adriana)

Debtors: W L A B Investment LLC (Plaintiff)



Creditors: TKNR Inc (Defendant), Chi On Wong (Defendant), Zhong Kenny Lin (Defendant), Investpro LLC (Defendant), Joyce A Nickrandt (Defendant), Liwe Helen Chen (Defendant), Man Chau Cheng (Defendant), Investpro Investments I LLC (Defendant), Investpro Manager LLC (Defendant), Yan Qiu Zhang (Defendant)

Judgment: 04/07/2021, Docketed: 03/31/2021

Comment: Certain Claims

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05/25/2021	<p>Judgment Plus Legal Interest (Judicial Officer: Escobar, Adriana) Debtors: W L A B Investment LLC (Plaintiff), Benjamin B. Childs, ESQ. (Other) Creditors: TKNR Inc (Defendant), Chi On Wong (Defendant), Zhong Kenny Lin (Defendant), Investpro LLC (Defendant), Joyce A Nickrandt (Defendant), Liwe Helen Chen (Defendant), Man Chau Cheng (Defendant), Investpro Investments I LLC (Defendant), Investpro Manager LLC (Defendant), Yan Qiu Zhang (Defendant) Judgment: 05/25/2021, Docketed: 05/26/2021 Total Judgment: 128,166.78 Comment: In Part</p>
07/26/2022	<p>Clerk's Certificate (Judicial Officer: Bell, Linda Marie) Debtors: W L A B Investment LLC (Plaintiff) Creditors: TKNR Inc (Defendant), Chi On Wong (Defendant), Zhong Kenny Lin (Defendant), Investpro LLC (Defendant), Joyce A Nickrandt (Defendant), Liwe Helen Chen (Defendant), Man Chau Cheng (Defendant), Investpro Investments I LLC (Defendant), Investpro Manager LLC (Defendant), Yan Qiu Zhang (Defendant) Judgment: 07/26/2022, Docketed: 07/27/2022 Comment: Supreme Court No. 82835/83051; Judgment Affirmed; Rehearing Denied</p>
	<p>HEARINGS</p>
02/07/2019	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Defendants Motion to Dismiss, Alternative Motion for More Definite Statement, Alternative Motion for Summary Judgment</i> Granted in Part;</p>
02/07/2019	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Opposition To Defendants Motion To Dismiss / Alternative For Summary Judgment / Alternative For A More Definite Statement And Conditional Countermotion For Continuance Based On NRCP 56(F) If The Court Treats Defendant s Motion As One For Summary Judgment</i> Denied;</p>
02/07/2019	<p> All Pending Motions (9:30 AM) (Judicial Officer: Escobar, Adriana) Granted in Part; Journal Entry Details: <i>Mr. Pierce stated he represents the five defendants and the Plaintiff does not allege any false allegations by the licensed broker defendants. Mr. Childs argued that there were permits and inspections required, which were not done. Additionally, electrical, plumbing and natural gas lines were worked on without permits. This work was not disclosed to the buyer, which was fraudulent. Following further arguments by counsel. COURT ORDERED, motion DENIED as to Motion for Summary Judgment and Motion to Dismiss. FURTHER, motion for a more definite statement or amended complaint is GRANTED. Mr. Childs stated this will be filed within fourteen days. The Court advised that once there is Discovery and detail in the amended complaint, defendant may file an amended answer.;</i></p>
10/09/2019	<p>Arbitration Hearing (7:00 AM)</p>
12/12/2019	<p> Mandatory Rule 16 Conference (10:30 AM) (Judicial Officer: Escobar, Adriana) Trial Date Set; Journal Entry Details: <i>This case involves other real property and trial will last five to seven days. The Court informed counsel it will augment time now, and absent extraordinary circumstances, extensions/continuances will not be granted later in the trial. Counsel stated that liability is in dispute and there is intentional misconduct. As no Discovery has been conducted, counsel requested an additional 120 days from the JCCR deadlines. Colloquy regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut Off, 6/29/20; Amend Pleadings and Add Parties, 4/13/20; Initial Disclosure, 4/13/20; Rebuttal Disclosure, 5/26/20; Dispositive Motions, 7/20/20 and Trial Ready Date 9/28/20. COURT ORDERED, trial date SET and matter set for a status check regarding settlement. 7/30/29 9:30 AM STATUS CHECK: SETTLEMENT 10/29/20 9:30 AM CALENDAR CALL 11/16/20 9:30 AM JURY TRIAL;</i></p>

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07/30/2020



Status Check (9:30 AM) (Judicial Officer: Escobar, Adriana)

07/30/2020, 10/14/2020, 12/09/2020, 02/03/2021

Settlement

Matter Continued;
Matter Continued; Settlement
Matter Continued;
Matter Continued;

Journal Entry Details:

The parties have not settled and are disagreement about how the parties are, and have, conducted discovery. The Court CONTINUES this status check to March 9, at 10:00AM on civil law and motion calendar. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana Simpson, to all registered parties for Odyssey File and Serve. 2/10/2021/ds;

Matter Continued;
Matter Continued; Settlement
Matter Continued;
Matter Continued;

Journal Entry Details:

The parties have a settlement conference scheduled for January 8, 2021. COURT ORDERED, matter CONTINUED to February 3, 2021, on Chambers Calendar. 2/03/21 3:00 AM STATUS CHECK: SETTLEMENT CLERK'S NOTE: A copy of this minute order was distributed to: Michael Lee, Esq., (mike@mblnv.com), Benjamin Childs, Esq., (ben@benchilds.com) and Nikita Burdick, Esq., (nburdick@burdicklawnv.com).;

Matter Continued;
Matter Continued; Settlement
Matter Continued;
Matter Continued;

Journal Entry Details:

*This matter has not settled. The Court CONTINUES this matter to Wednesday, December 9, 2020 on Chambers Calendar. **CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.;*

Matter Continued;
Matter Continued; Settlement
Matter Continued;
Matter Continued;

Journal Entry Details:

The Court emailed all parties to confirm the status of settlement progress. No party replied. COURT ORDERED, matter CONTINUED. CONTINUED TO: 10/14/20 IN-CHAMBERS;

09/02/2020



Status Check: Settlement/Trial Setting (3:00 AM) (Judicial Officer: Escobar, Adriana)

Matter Continued;

Journal Entry Details:

The parties have not responded. This Court CONTINUES this status check to November 4, 2020 on Chambers Calendar. CLERK'S NOTE: The above minute order has been distributed to: Benjamin Childs, Esq. (ben@benchilds.com), and Nikita Pierce (nburdick@burdicklawnv.com) //cbm 09/09/2020;

10/22/2020



Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

Minute Order - No Hearing Held; Defendant Motion to Enlarge Discovery (First Request) on an Order Shortening Time

Journal Entry Details:

Defendant's Motion to Enlarge Discovery (First Request) on an Order Shortening Time (Motion), which Plaintiff opposed, was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on October 22, 2020. Based on the pleadings and arguments of counsel, the Court issues the following order: There is an "inherent power of the judiciary to economically and fairly manage litigation." Borger v. Eighth Judicial Dist. Court, 120 Nev. 1021, 1029 (2004). NRC 16(b)(4) provides that a scheduling order for trial may be modified by the court for good cause. Further, EDCR 2.35 (a) allows requests to extend discovery if in writing and supported by a showing of good cause for the extension and be filed no later than 21 days before the discovery cut-off date or any extension thereof. A request made beyond the period specified above shall not be granted

CASE SUMMARY

CASE NO. A-18-785917-C

unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect. (emphasis added). Defendants bring the instant motion due to their failure to make initial expert disclosures by the October 15, 2020, deadline. Pursuant to the scheduling order entered on June 26, 2020, the discovery cut-off date is October 30, 2020. Defendants filed their Motion on October 15, 2020, more than 21 days before the discovery cut-off date. Here, the Court finds that Defendants failure to seek an extension of the discovery deadline in a timely manner was the result of excusable neglect. Moreover, Defendant demonstrated good cause warranting this Court to extend discovery, namely that due at least in part the current COVID-19 pandemic, the parties have not conducted any depositions. Additionally, Defendants failed to designate a rebuttal expert due to excusable neglect. Based on the foregoing, the Court GRANTS Defendant's Motion. The Court continues discovery as follows: Amend Pleadings: December 14, 2020 Initial Expert Disclosures: November 30, 2020 Rebuttal Expert: December 4, 2020 Discovery Cut-Off: March 2, 2021 Dispositive Motion: January 25, 2021 Calendar Call: April 1, 2021 Trial Stack: April 19, 2021 Counsel for Defendant is directed to prepare a proposed order based on this Minute Order. Counsel for Plaintiff is to approve as to form and content. All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: This Minute Order has been emailed to Benjamin Childs, Esq. (ben@benchilds.com); Nikita Pierce (nburdick@burdicklawnv.com) and Michael Lee (mike@mblnv.com). /lg;

10/22/2020



Motion to Extend Discovery (9:30 AM) (Judicial Officer: Escobar, Adriana)

Defendants Motion to Enlarge Discovery (First Request) On an Order Shortening Time
Motion Granted;

Journal Entry Details:

Appearances continued: Michael Lee, Esq., present on behalf of Defendant and Frank Miao, present on behalf of Plaintiff, Corporation. Mr. Lee advised he will be substituting in on behalf of Defendants. Court directed counsel to file a substitution by the end of today. Ms. Pierce stated she was the current attorney and was present should the Court have any questions. Mr. Lee stated he was seeking a five-month extension. Mr. Childs objected stating his client worked zealously to get his expert witness and they are ready to proceed to trial, noting he contacted Department 30 for dates. Mr. Childs proposed a two-month extension. Court advised the case cannot be settled if there is not enough discovery. Court stated it was its understanding there was an issue for four days in August where the server went down in Ms. Pierce's law firm is why they did not see it. COURT finds good cause and ORDERED, Defendant's Motion GRANTED; Discovery CONTINUED as follows: Discovery Cut-Off: March 2, 2021 Amend Pleadings: December 14, 2020 Initial Expert Disclosures: November 30, 2020 Rebuttal Expert: December 4, 2020 Dispositive Motion: January 25, 2021 Calendar Call: April 1, 2021 Trial Stack: April 19, 2021 Ms. Pierce to prepare Order. Court advised it would issue a more detailed minute order.;

10/29/2020

CANCELED Calendar Call (9:31 AM) (Judicial Officer: Escobar, Adriana)

Vacated

11/16/2020

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)

Vacated

11/18/2020



Motion for Leave (3:00 AM) (Judicial Officer: Escobar, Adriana)

Defendants' Motion for leave File Amended Answer Counterclaims, and Third -Party Claims on and Order Shortening Time

Minute Order - No Hearing Held;

Journal Entry Details:

Defendants Motion for Leave to File Amended Answer, Counterclaims, and Third-Party Claims on an Order Shortening Time (Motion), which Plaintiff opposed, was set for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on November 18, 2020. After considering the pleadings of counsel, the Court enters the following order: A motion for leave to amend is left to the sound discretion of the trial judge, and the trial judge's decision will not be disturbed absent an abuse of discretion. University & Cmty. Coll. Sys. v. Sutton, 120 Nev. 972, 988 (2004). Under NRCP 15 (a)(2), [t]he court should freely give leave when justice so requires. Motions for leave to amend a pleading ought to be granted unless a strong reason exists not to do so, such as


CASE SUMMARY**CASE NO. A-18-785917-C**

prejudice to the opponent or lack of good faith by the moving party. *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 284 (Nev. App. 2015); see also *Stephens v. S. Nev. Music Co.*, 89 Nev. 104, 105 06 (1973) ([I]n the absence of any apparent or declared reason such as undue delay, bad faith or dilatory motive on the part of the movant the leave sought should be freely given.). Here, Defendants Motion is timely filed as the deadline to amend the pleadings and add parties is December 14, 2020. The Court finds that Defendants should be given leave to amend their complaint. The arguments Plaintiff raises in opposition are meritless. Based on the foregoing, the Court GRANTS Defendants Motion. Counsel for Defendants is directed to prepare a proposed order approved by Plaintiff as to form and content. All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: The above minute order has been distributed to: Michael Lee Esq., and Michael Matthis Esq., at mike@mblnv.com, Benjamin Childs Esq., at ben@benchilds.com, and Nikita Burdick Esq., at nburdick@burdicklawnv.com. 11/18/20 gs;

01/08/2021	CANCELED Settlement Conference (10:30 AM) <i>Vacated</i>
01/14/2021	CANCELED Motion for Leave (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - per Order</i> <i>Plaintiff's Motion for Leave to File Second Amended Complaint</i>
02/09/2021	CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated</i> <i>Plaintiff / Counterdefendant's Motion to Compel Discovery and for Imposition of Sanctions</i>
02/09/2021	CANCELED Motion for Protective Order (9:30 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Defendants' Motion for a Protective Order and Other Relief</i>
03/02/2021	 Motion to Compel (10:00 AM) (Judicial Officer: Truman, Erin) <i>Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: TKNR - Request for Production of Documents, Chi Wong - Request for Production of Documents and Investpro LLC - Request for Production of Documents on OST</i> Granted in Part; Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: TKNR - Request for Production of Documents, Chi Wong - Request for Production of Documents and Investpro LLC - Request for Production of Documents on OST Journal Entry Details: <i>Frank Maio present. Arguments by counsel. The Motion for Summary Judgment, or in the alternative, Partial Summary Judgment is set 3-11-2021. Commissioner FINDS there was a misunderstanding, and objections will STAND. Discovery closes today. Upon Commissioner's inquiry, Mr. Lee stated there is no Motion pending to extend the discovery deadlines. As the claims currently stand, Commissioner allowed the discovery to go forward. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; DENIED as to an award of sanctions. TKNR COMMISSIONER RECOMMENDED, RFP 22 supplemental responses are COMPELLED from Deft; RFP 23 is PROTECTED; RFP 24 objection STANDS; RFP 25 identify and produce documents, receipts, and expenses paid for the property during the relevant timeframe; RFP 26 and 27 identify specific bates ranges in 16.1 documents that support Deft's position; RFP 28 is PROTECTED, and limited to communications between TKNR and InvestPro for the subject property from 2015 to 2018; RFP 29 similarly limited for the same time period. CHI WONG COMMISSIONER RECOMMENDED, RFP 1 through 6 communications limited to any and all documents for the subject property from 2015 to 2018; RFP 7 clarify and give bates numbers in Deft's possession, custody, or control; RFP 8 as Directed on the record; RFP 9 is PROTECTED; RFP 10 produce documents relevant to what ownership interest Deft has. INVESTPRO LLC COMMISSIONER RECOMMENDED, RFP 1 repairs, maintenance, or modifications made from August 2015 to July 31, 2018 at the subject property; RFP 2 is more appropriate for an Interrogatory; RFP 2 and 3 are PROTECTED; RFP 4 supplement required; RFP 5 further supplement required; RFP 6 is PROTECTED; RFP 7 is COMPELLED; RFP 8 is limited to allow communications, Contracts, instructions, and agreements (further response is required); RFP 11 is allowed limited to the subject property for the timeframe, to the extent it exists; RFP 12 is COMPELLED, and supplement; RFP 13,</i>

CASE SUMMARY

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	<p>14, 15, 16, 17, and 18 must be supplemented. Commissioner will be as consistent as the Commissioner can be on additional Motions. Commissioner Directed counsel to conduct an additional 2.34 conference to resolve any issues in the upcoming Motions based on the rulings given today. If issues are unresolved, the Motions will remain on calendar. COMMISSIONER RECOMMENDED, Countermotion for Protection is GRANTED IN PART and DENIED IN PART as stated. Mr. Childs to prepare the Report and Recommendations, and Mr. Lee to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.;</p>
03/04/2021	<p>CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: Investpro Manager LLC- Second Request for Production of Documents and Investpro Investments I, LLC - Request for Production of Documents on Order Shortening Time</i></p>
03/11/2021	<p>Motion for Summary Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment</i> <i>Granted;</i></p>
03/11/2021	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Opposition to Defendant's Motion for Summary Judgment Countermotion for Continuance Based on NRCP 56(f) and Countermotion for Imposition of Monetary Sanctions</i> <i>Denied;</i></p>
03/11/2021	<p>CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: Man Chau Cheng - Answers to Interrogatories and Investpro Investments I, LLC - Answers to Interrogatories on Order Shortening Time</i></p>
03/11/2021	<p> All Pending Motions (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Matter Heard;</i> <i>Journal Entry Details:</i> <i>DEFENDANTS MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT...OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT COUNTERMOTION FOR CONTINUANCE BASED ON NRCP 56 (F) AND COUNTERMOTION FOR IMPOSITION OF MONETARY SANCTIONS</i> Arguments by counsel regarding the merits and opposition of the Motion. COURT STATED ITS FINDINGS AND ORDERED, motion GRANTED as to all claims and attorney's fees; Countermotion DENIED. Mr. Lee to prepare a detailed order and provide it to opposing counsel for approval as to form and content in both PDF version and Word version to DC14Inbox@clarkcountycourts.us. Pursuant to EDCR 1.90(a)(4), COURT FURTHER ORDERED, Counsel to submit the proposed order within 14 days of this decision.;</p>
03/16/2021	<p>CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff's Renewed Motion to Compel Discovery and for Imposition of Sanctions</i></p>
03/16/2021	<p>CANCELED Motion (10:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff's Motion to Exceed Page Limit for Plaintiff's Renewed Motion to Compel Discovery and for Imposition of Sanctions</i></p>
03/16/2021	<p>CANCELED Opposition and Countermotion (10:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Opposition to Plaintiff's Motion to Compel and for Imposition of Sanctions and Countermotion for Protective Order or Other Relief</i></p>
04/01/2021	<p>CANCELED Calendar Call (3:00 PM) (Judicial Officer: Escobar, Adriana) <i>Vacated - per Stipulation and Order</i></p>

CASE SUMMARY

CASE NO. A-18-785917-C

04/07/2021

**Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Escobar, Adriana)*Benjamin Childs' Motion to Withdraw as Attorney for Plaintiff/Counterdefendant*

Motion Granted;

Journal Entry Details:

Plaintiff's Counsel's Motion to Withdraw as Attorney for Plaintiff (Motion) came on for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on April 7, 2021. Upon thorough review of the pleadings, this Court enters the following order: Attorney Benjamin B. Childs seeks to withdraw as counsel of record for Plaintiff W L A B Investment, LLC. On December 15, 2020, Defendants filed their Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment. On March 4, 2021, Mr. Childs filed a Motion to Withdraw as Counsel for Plaintiff. On March 10, 2021, Attorney Steven L. Day, Esq. filed a Substitution of Attorneys, substituting himself as counsel of record for Plaintiff in place and stead Mr. Childs. On March 11, the Court heard Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment. Mr. Day appeared on behalf of Plaintiff. On March 30, 2021, this Court issued an Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment. On April 7, 2021, this Court issued an Amended Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, disposing of this matter. In this Order, the Court awarded Defendants attorney fees and costs pursuant to NRCP 11. For good cause showing pursuant to EDCR 7.40(b)(2), RPC 1.16(b), and SCR 46, this Court hereby GRANTS the Motion. This Court notes the following: This matter is closed. However, although this Court awarded Defendants attorney fees and costs under NRCP 11, this Court has not made a final determination regarding the amount of attorney fees and costs Defendants are entitled to. Given that Mr. Childs brought the instant action on behalf of Plaintiff, which was the basis of this Court's award of attorney fees and costs under NRCP 11, Mr. Childs is still within the jurisdiction of this Court until this matter is fully resolved. Mr. Childs must be present for remaining motion practice, if any, on this issue, regardless, of the Court's granting of this Motion. Counsel for Plaintiff is directed to prepare a proposed order that lists all future deadlines and hearings, and includes Plaintiff's last known physical and/or mailing address, email, and phone number. Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4). All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email - appended as the last page of the proposed order - confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

04/08/2021

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin)*Vacated - per Stipulation and Order**Status Check: Compliance / 3-2-2021 DCRR*

04/09/2021

CANCELED Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)*Vacated - On in Error*

04/19/2021

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)*Vacated - per Stipulation and Order*

05/17/2021

**Minute Order** (3:00 AM) (Judicial Officer: Escobar, Adriana)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiffs Motion to Reconsider (Motion), which Defendants opposed, was scheduled for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 18, 2021. Pursuant to Administrative Order 21-03 and preceding administrative orders, this matter may be decided after a hearing, decided on the pleadings, or continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings when possible, this Court has determined that it would be appropriate to decide this matter based on the pleadings submitted. Upon thorough review of the pleadings, this Court issues the following order: Leave for reconsideration of motions is within this Court's discretion under EDCR 2.24. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors v. Jolley, Urga & Wirth, 113 Nev. 737, 741 (1997). Unless otherwise ordered by the court, papers submitted in support of pretrial and post-trial briefs shall be limited to 30

CASE SUMMARY

CASE NO. A-18-785917-C

pages, excluding exhibits. EDCR 2.20(a). Plaintiff seeks reconsideration of this Court's April 7, 2021, Amended Order Granting Defendants Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment. In its opposition, Defendants argue that Plaintiff's Notice of Appeal in this matter divests this Court of jurisdiction to rule on Plaintiff's Motion. This Court disagrees. Because Plaintiff filed a motion for reconsideration, the April 7, 2021, order is not final appealable order. Therefore, the appeal was premature. A premature notice of appeal does NOT divest the district court of jurisdiction. NRAP 4(a)(6). Therefore, this Court has jurisdiction to rule on the Motion. Additionally, Defendants' argument that Plaintiff's Motion was untimely filed lacks merit. Defendants filed the Notice of Entry of Order on April 8, 2021. Therefore, Plaintiff had until April 22, 2021, to file the instant Motion. Plaintiff filed this Motion on April 16, 2021, and thus, the Motion is timely. Before addressing the substantive merits of Plaintiff's Motion, this Court notes that Plaintiff's 179-page Motion includes 40 pages of argument, notwithstanding the exhibits. Although Plaintiff did not seek an order from this Court permitting a longer brief, Court addresses the Motion in full. Plaintiff spends a majority of its Motion rehashing the facts of the underlying dispute. Plaintiff argues that exhibits the Court relied on in granting Defendants' underlying motion for summary judgment namely, the Residential Purchase Agreement and the Second Residential Purchase Agreement were not properly authenticated. Plaintiff additionally argues that Defendants discussed an email from Chen to Ms. Zhu without providing a foundation for the email. Plaintiff's argument is that this Court committed clear error by relying on unauthenticated documents, or hearsay, in ruling on Defendants' motion for summary judgment. In opposing summary judgment, Plaintiff was required to point to specific facts creating a genuine issue of material fact. *LaMantia v. Redisi*, 118 Nev. 27, 29 (2002). Plaintiff did not so. Moreover, Defendants were not required to authenticate the first and second Residential Purchase Agreement before this Court could rely on those documents in granting summary judgment. First, Plaintiff did not contest the authenticity of the disputed documents in opposing summary judgment. Second, Plaintiff could have objected that these documents, which were Defendants repeatedly cite to in their motion for summary judgment, cannot be presented in a form that would be admissible in evidence. NRCP 56(b)(2) it did not. Finally, summary judgment is not trial. Authentication is for purposes of introducing evidence at trial. Therefore, this argument lacks merits. Plaintiff has not demonstrated that this Court's ruling was clearly erroneous. Plaintiff additionally argues that Rule 11 sanctions were not warranted and also asks this Court to clarify whether Mr. Day and his firm are to be included in the sanctions. Plaintiff has not demonstrated that this Court's decision to grant Rule 11 sanctions was clearly erroneous. However, this Court does clarify that the sanctions are awarded against Plaintiff's former counsel, Ben Childs, and not Plaintiff's current counsel, Mr. Day. See NRCP 11(c)(1): (If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.). The Court additionally notes the following: Although they do not caption their opposition as a countermotion, Defendants' opposition raises an argument that Rule 11 sanctions are warranted as to Plaintiff's instant Motion. This Court does not find that Rule 11 sanctions are warranted for Plaintiff's filing of this Motion. Defendants also ask that this Court issue an award of attorney fees and costs in the amount of \$128,166.78. In its April 7, 2021, order, this Court granted Defendants attorney fees and costs pursuant to Rule 11. Plaintiff, through its former or new counsel, does not oppose the specific amounts requested. This Court grants the amount Defendants seek. Based on the foregoing, this Court GRANTS IN PART AND DENIES IN PART Plaintiff's Motion. This Court does not find that its ruling was clearly erroneous. However, the Court clarifies that the attorney fees and costs are awarded against Plaintiff's former counsel. Counsel for Defendants is directed to prepare a proposed order that incorporates the substance of this minute order and the pleadings. Plaintiff must approve as to form and content. Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4). All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: Counsel are to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (5-17-21 np).;

05/18/2021




CANCELED Motion to Reconsider (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff's Motion to Reconsider

06/24/2021

CANCELED Motion to Stay (10:00 AM) (Judicial Officer: Escobar, Adriana)

CASE SUMMARY

CASE NO. A-18-785917-C

	<p><i>Vacated</i> <i>Motion for Stay of Execution of Judgment Pending Appeal on Order Shortening Time</i></p>
11/18/2021	<p> Further Proceedings (10:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Further Proceedings Re: Supreme Court Order</i> Matter Heard; Journal Entry Details: <i>All parties present via BlueJeans. Robert Whittier, Esq. present on behalf of Benjamin Childs, Esq. Court advised this matter was reassigned to this Court after an order from the Supreme Court. Court advised District Court was instructed to vacate the part of its order that imposed sanctions against the Petitioner, and have the matter reassigned before a different Judge. Court noted an Order was submitted regarding the same, but there was in issue that needed to be corrected. Court advised the Order indicated it was going to strike a section of the document and it referenced lines 1-2 on the second page, however, it should have been lines 1-4 so that the entire paragraph is stricken. Counsel advised Mr. Childs would send a corrected Order. Colloquy regarding which sections needed to be stricken. Court advised counsel to have someone re-submit the an Order that complies with the things that were being requested, whether it be an order deleting things or an amended order without those things listed. Colloquy regarding jurisdiction since claims between Plaintiff and Defendant were still on appeal. Court encouraged counsel to work together and submit the order.;</i></p>
12/22/2021	<p>CANCELED Motion For Reconsideration (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated</i> <i>Defendants' Motion to Reconsideration</i></p>
01/19/2022	<p>CANCELED Motion (3:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated</i> <i>Defendants' Application for Order Shortening Time on Defendants' Motion for Reconsideration</i></p>
01/26/2022	<p>CANCELED Motion to Stay (3:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Order</i> <i>Motion for Stay of Execution of Judgment Pending Appeal without Security on Order Shortening Time</i></p>
09/14/2022	<p> Motion for Attorney Fees (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Defendants' Motion for Attorneys' Fees and Costs</i> Under Advisement; Journal Entry Details: <i>Arguments by counsel regarding the merits of the motion. Colloquy regarding Supreme Court decision. COURT ORDERED, matter UNDER ADVISEMENT; written order TO ISSUE; matter SET for Status Check on decision. 09/28/2022 9:00 A.M STATUS CHECK: DECISION;</i></p>
09/28/2022	<p> Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie) 09/28/2022, 10/12/2022, 10/19/2022 <i>Status Check: Decision</i> Matter Continued; Matter Continued; Off Calendar; Journal Entry Details: <i>COURT ORDERED, matter OFF CALENDAR.;</i> Matter Continued; Matter Continued; Off Calendar; Journal Entry Details: <i>COURT ORDERED, matter CONTINUED. CONTINUED TO: 10/19/22 9:00 A.M;</i> Matter Continued; Matter Continued; Off Calendar; Journal Entry Details: <i>COURT ORDERED, matter CONTINUED. CONTINUED TO: 10/12/2022 9:00 A.M;</i></p>

CASE SUMMARY**CASE NO. A-18-785917-C**

FINANCIAL INFORMATION

DATE

Defendant TKNR Inc	
Total Charges	790.00
Total Payments and Credits	790.00
Balance Due as of 11/2/2022	0.00
 Other Childs, Benjamin B., ESQ	
Total Charges	3.50
Total Payments and Credits	3.50
Balance Due as of 11/2/2022	0.00
 Plaintiff W L A B Investment LLC	
Total Charges	616.00
Total Payments and Credits	616.00
Balance Due as of 11/2/2022	0.00
 Plaintiff W L A B Investment LLC	
Appeal Bond Balance as of 11/2/2022	1,000.00

DISTRICT COURT CIVIL COVER SHEET

A-18-785917-C

Clark

County, Nevada

Case No. _____

Department 14

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

W L A B Investment, LLC

Defendant(s) (name/address/phone):

TKNR, INC, a California Corporation, Chi On Wong,

Kenny Zhong Lin, InvestPro, LLC dba Investpro Realty,
and Joyce Nickrandt

Attorney (name/address/phone):

Benjamin B. Childs

Attorney (name/address/phone):

UNKNOWN

318 S. Maryland Parkway

Las Vegas, NV 89101

702 251 0000

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

12/11/2018

Date

/s/ Benjamin B. Childs, Sr.

Signature of initiating party or representative

See other side for family-related case filings.

1 DAO

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 WLAB INVESTMENT, LLC,

6 Plaintiff,

7 vs.

8 TKNR INC., a California Corporation, and CHI ON
9 WONG aka CHI KUEN WONG, an individual, and
10 KENNY ZHONG LIN, aka KEN ZHONG LIN aka
11 KENNETH ZHONG LIN aka ZHONG LIN, an
12 individual, and LIWE HELEN CHEN aka HELEN
13 CHEN, an individual and YAN QIU ZHANG, an
14 individual, and INVESTPRO LLC dba INVESTPRO
15 REALTY, a Nevada Limited Liability Company, and
16 MAN CHAU CHENG, an individual, and JOYCE A.
17 NICKRANDT, an individual, and INVESTPRO
18 INVESTMENTS LLC, a Nevada Limited Liability
19 Company, and INVESTPRO MANAGER LLC, a
20 Nevada Limited Liability Company and JOYCE A.
21 NICKRANDT, an individual and Does 1 through 15
22 and Roe Corporation I – XXX,

23 Defendants.

Case No. A-18-785917-C
Dept No. VII

24 **DECISION AND ORDER**

25 This case arises from WLAB Investment alleging that the TKNR Defendants had fraudulently
26 induced WLAB into purchasing an apartment building that contained numerous defects. Now before
27 the Court is the TKNR Defendants' Motion for Attorneys' Fees. WLAB filed an Opposition to the
28 TKNR Defendants' Motion on August 24, 2022. The parties came before this Court for oral argument
on September 14, 2022. After review of the papers filed and consideration of oral arguments, the
TKNR Defendants' Motion for Attorneys' Fees is denied.

29 **I. Factual and Procedural Background**

30 WLAB filed their initial complaint on December 11, 2018 against the TKNR Defendants for:
31 (1) Recovery under NRS Chapter 113; (2) Construct Fraud; (3) Common Law Fraud; and (4)
32 Fraudulent Inducement. After two years of litigation, the TKNR Defendants filed their Motion for

1 Summary Judgment, or in the alternative, Partial Summary Judgment. In the TKNR Defendants'
2 original Motion for Attorney's Fees which was incorporated in their December 15, 2020, Motion for
3 Summary Judgment, the TKNR Defendants petitioned the District Court for attorney's fees pursuant
4 to Rule 11 and NRS 18.010(2)(b). WLAB filed a timely Opposition as well as a Countermotion for
5 continuance based on NRCPP 56(f), and a Countermotion for Imposition of Monetary Sanctions.

6 On March 11, 2021, a hearing was held regarding the TKNR Defendants' Motion for
7 Summary Judgment. The Court granted Summary Judgment as to all claims and awarded the TKNR
8 Defendants attorney's fees as well as Rule 11 Sanctions. On March 31, 2021, the original order
9 granting summary judgment in favor of the TKNR Defendants was filed along with a hearing to show
10 cause related to the violation of Rule 11 by WLAB. However, the then-presiding Judge unilaterally
11 amended the original order, removing the order to show cause language, instead requesting the TKNR
12 Defendants to file an affidavit in support of the requested attorney's fees and costs. The TKNR
13 Defendants filed the Affidavit in support of Attorneys' Fees and Costs indicating that the requested
14 fees and costs were appropriate under either Rule 11 or for abuse of process.

15 On March 16, 2021, WLAB filed a Motion to Reconsider the Amended Order. The Court
16 granted in part and denied in part WLAB's Motion. On May 25, 2021, Judgment was entered awarding
17 the TKNR Defendants the sum of \$128,166.78 in attorneys' fees and costs from WLAB.

18 WLAB later filed a Notice of Appeal arguing that factual issues existed which precluded the
19 District Court from granting summary judgment. WLAB further argued that this matter did not warrant
20 Rule 11 sanctions. On May 12, 2022, the Nevada Supreme Court affirmed in part and reversed in part
21 the TKNR Defendants' Motion for Summary Judgment. The Nevada Supreme Court found that issues
22 of fact did not exist in the record and affirmed the District Court's granting of summary judgment. In
23 regards to the Rule 11 sanctions, the Nevada Supreme Court found that the TKNR Defendants' had
24 not complied with Rule 11 procedural rules. The Court concluded that the District Court imposed
25 sanctions without first giving the offending party notice and reasonable opportunity to respond. As
26 such, the Court reversed the award of the TKNR Defendants' attorney's fees. On August 16, 2022,
27 the Remittitur was filed with the Court.

28 On August 10, 2022, the TKNR Defendants filed the instant motion arguing that recovery of

attorneys' fees and costs is appropriate under NRS § 18.010(2)(a), NRS § 17.117, Nev. R. Civ. P. 68. The TKNR Defendants later filed a Supplement arguing they were entitled to attorney fees under the Residential Purchase Agreement entered into between the parties. WLAB later filed an Opposition to the TKNR Defendants' Motion for Attorney Fees and Costs arguing that the TKNR Defendants' Motion should be denied for failing to follow procedural requirements and as untimely pursuant to NRCP 54(d)(B)(i).

II. The TKNR Defendants are not entitled to attorney fees and costs under NRCP 11.

Rule 11 requires any motion for sanctions to be made "separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b)." Nev. R. Civ. P. 11(c)(1)(a). The motion must describe the specific conduct that allegedly violates section 11(b). Id.

The requirement of a separate Rule 11 motion is mandatory. Radcliffe v. Rainbow Constr. Co., 254 F.3d 772, 789 (9th Cir. 2001). A request for Rule 11 sanctions cannot be contained within any other motion. Id. The court in Nuwesra v. Merrill Lynch, Fenner & Smith, Inc., rejected defendants' argument to treat their affidavit of service and reply affidavit as a motion for Rule 11 sanctions because a motion must "be made separately from other motions or requests." Nuwesra v. Merrill Lynch, Fenner & Smith, Inc., 174 F.3d 87, 94 (2d Cir. 1999). In Barber v. Miller, the court acknowledged that defendant gave plaintiff multiple warnings but concluded that such warnings were not motions "and the Rule requires service of a motion." Barber v. Miller, 146 F.3d 707, 710 (9th Cir. 1998)

The Rule 11 motion must be served on opposing counsel but not filed with the court. Id. This is the 21 day "safe harbor" provision which allows the targeted attorney and party the opportunity to correct or withdraw the alleged wrongful claim or assertion. The 21-day safe harbor provision is also considered a mandatory step. Radcliffe at 788. Other federal appellate courts concur. Tompkins v. Cyr, 202 F.3d 770, 788 (5th Cir.2000); Elliott v. Tilton, 64 F.3d 213, 216 (5th Cir. 1995); Penn, LLC v. Prosper Bus. Dev. Corp., 773 F.3d 764 (6th Cir. 2014). In Corley v. Rosewood Care Ctr., Inc., 142 F.3d 1041, 1058 (7th Cir. 1998), the defendants conceded that rule 11 sanctions were improper where they had failed to comply with the separate motion and safe harbor provisions of Rule 11.

Here, the TKNR Defendants' Motion for Rule 11 sanctions is combined with their motion for

1 attorney fees. Defendants' Motion further fails to describe WLAB's specific conduct that allegedly
2 violates section 11(b). WLAB was served on August 10, 2022, with the TKNR Defendants' Motion
3 for Attorney Fees. WLAB had not, prior to filing the motion, been served with TKNR's Motion for
4 Rule 11 sanctions. WLAB was served a second time with TKNR's filed motion for attorney fees on
5 August 22, 2022. This again is a direct violation of the procedural requirements of NRCP 11(c)(2)
6 requiring a 21 day safe harbor before a motion for Rule 11 sanctions. Furthermore, this was
7 specifically the Nevada Supreme Court's finding with the last Rule 11 motion previously filed for the
8 TKNR Defendants. On May 12, 2022, The Nevada Supreme Court found that the TKNR Defendants'
9 motion for Rule 11 sanctions did not meet the rule's "Mandatory procedural requirements" and
10 reversed the district court's order awarding attorney fees:

11 In particular, respondents did not serve notice of their motion at least
12 21 days before they filed the motion with the district court and the motion was
13 not made separately from their summary judgment motion as required by NRCP 11(c)(2).

14 See Supreme Court Order, May 12, 2022, p.7

15 The targeted party of Rule 11 sanctions must be given an opportunity to respond. In this case,
16 no such opportunity was given and the TKNR Defendants' again failed to follow Rule 11 procedures.
17 Therefore, The TKNR Defendants' request for attorney fees under Rule 11 is denied.

18 **III. TKNR's request for attorney fees based on NRS 18.010, NRS 17.117 and NRCP 68 is**
19 **denied as untimely.**

20 NRCP 54(d)(B)(i) states that a motion for attorney fees must be filed within 21 days of notice
21 of entry of order of judgment. Pursuant to NRCP 54(d)(B)(i), The TKNR Defendants' instant motion
22 for attorney fees based on NRS 18.010, NRS 17.117 and NRCP 68 is denied as untimely. Here, the
23 TKNR Defendants in their December 15, 2020, Motion for Summary Judgment, requested attorney
24 fees pursuant to NRS 18.010(2)(b) and Rule 11. The then-presiding Judge chose to award attorney
25 fees pursuant to Rule 11. The TKNR Defendants did not appeal the denial of their request for fees
26 pursuant to NRS 18.010(2)(b). The TKNR Defendants instead decided to request fees pursuant to
27 NRS 18.010(2)(b) over one year post judgment.

28 In the TKNR Defendants' Motion for Summary Judgment, TKNR argued they were entitled

1 to attorney fees based on Rule 11 and NRS 18.010(2)(b). See TKNR Defendants' Motion for Summary
2 Judgment, pp. 30-31. The TKNR Defendants never requested fees pursuant to NRS 17.117 or NRCP
3 68. Id. The TKNR Defendants have argued for the first time, over 400 days after notice of entry of
4 judgment, that they are entitled to fees pursuant to NRS 17.117 and NRCP 68. The 21 day window to
5 file a motion for attorney fees under NRCP 54(d)(B)(i) has passed. Therefore, the TKNR Defendants'
6 request for attorney fees pursuant to NRS 18.010, NRS 17.117 and NRCP 68 is denied as untimely.

7
8 **IV. TKNR's request for attorney fees based on the Residential Purchase Agreement is denied as untimely.**

9 On August 25, 2022, The TKNR Defendants filed a supplement to their original Motion
10 arguing that pursuant to the terms of the Residential Purchase Agreement signed by the parties in this
11 matter, the TKNR Defendants are entitled to their attorney fees and costs. The Supplement includes
12 citation to the provision of the Residential Purchase Agreement between the Parties that provide for
13 recovery of attorneys' fees and costs by the prevailing party.

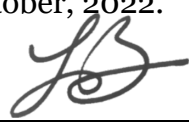
14 Here, the TKNR Defendants had 21 days to file their motion for attorney fees to specify "the
15 judgment and the statute, rule, or other grounds entitling the movant to the award." Nev. R. Civ. P
16 54(d)(2)(B)(i)(ii). The TKNR Defendants filed this supplement to their original Motion for Attorney
17 Fees approximately a year and a half after notice of the entry of judgment. The TKNR Defendants did
18 not mention The Residential Purchase Agreement entered into between both parties as a ground that
19 entitled them to attorney fees when they filed their original motion on December 15, 2020. The TKNR
20 Defendants' request for attorney fees based on the supplement filed on August 25, 2022 is untimely
21 under NRCP 54(d)(2)(B)(i)(ii). Therefore, the Motion for Attorney Fees and Costs pursuant to the
22 Residential Purchase Agreement is denied.

23 **V. Conclusion**

24 In regards to the request for attorney fees under Rule 11, the TKNR Defendants have again
25 failed to follow procedural requirements. Furthermore, Pursuant to NRCP 54(d)(B)(i), The TKNR
26 Defendants' Motion for Attorney Fees and Costs pursuant to NRS 18.010, NRS 17.117, NRCP 68,
27 and the Residential Purchase Agreement is denied as untimely. Based on the foregoing, the TKNR
28

1 Defendants' Motion for Attorneys' Fees and Costs is denied. The October 19, 2022 status check is
2 VACATED.

3 DATED this _____ Dated this 18th day of October, 2022 day of October, 2022.

4 

5 LINDA MARIE BELL
6 DISTRICT COURT JUDGE CD9 616 7970 6BB8
7 Linda Marie Bell
8 District Court Judge

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 W L A B Investment LLC,
Plaintiff(s)

CASE NO: A-18-785917-C

7 vs.

DEPT. NO. Department 7

8
9 TKNR Inc, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/18/2022

15 Brinley Richeson bricheson@daynance.com

16 Steven Day sday@daynance.com

17 Michael Matthis matthis@mblnv.com

18 Nikita Burdick nburdick@burdicklawnv.com

19 Michael Lee mike@mblnv.com

20 Bradley Marx brad@marxfirm.com

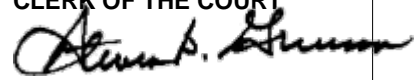
21 Frank Miao frankmiao@yahoo.com

22 Benjamin Childs ben@benchilds.com

23
24
25 If indicated below, a copy of the above mentioned filings were also served by mail
26 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/19/2022
27
28

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John Savage	Holley Driggs Attn: John Savage, Esq 400 South Fourth Street, Third Floor Las Vegas, NV, 89101
Nikita Pierce	6625 South Valley View Blvd. Suite 232 Las Vegas, NV, 89118



MICHAEL B. LEE, ESQ. (NSB 10122)
MICHAEL MATTHIS, ESQ. (NSB 14582)
MICHAEL B. LEE, P.C.
1820 East Sahara Avenue, Suite 110
Las Vegas, Nevada 89104
Telephone: (702) 477.7030
Facsimile: (702) 477.0096
mike@mblnv.com
Attorney for Defendants

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

W L A B INVESTMENT, LLC,

Plaintiff,

vs.

CASE NO.: A-18-785917-C
DEPT. NO.: XIV

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION FOR
ATTORNEYS' FEES**

TKNR INC., a California Corporation, and
CHI ON WONG aka CHI KUEN WONG, an
individual, and KENNY ZHONG LIN, aka
KEN ZHONG LIN aka KENNETH ZHONG
LIN aka WHONG K. LIN aka CHONG
KENNY LIN aka ZHONG LIN, an
individual, and LIWE HELEN CHEN aka
HELEN CHEN, an individual and YAN QIU
ZHANG, an individual, and INVESTPRO
LLC dba INVESTPRO REALTY, a Nevada
Limited Liability Company, and MAN
CHAU CHENG, an individual, and JOYCE
A. NICKRANDT, an individual, and
INVESTPRO INVESTMENTS LLC, a
Nevada Limited Liability Company, and
INVESTPRO MANAGER LLC, a Nevada
Limited Liability Company and JOYCE A.
NICKRANDT, an individual and Does 1
through 15 and Roe Corporation I - XXX,

Defendants.

Date of Hearing: September 14, 2022
Time of Hearing: 9:00 a.m.

Please take notice that an Order Denying Defendants' Motion for Attorneys' Fees was
entered in the above-entitled matter on October 18, 2022, a copy of which is attached hereto.

DATED this 25th day of October, 2022.

MICHAEL B. LEE, P.C.

/s/ Michael Matthis
MICHAEL B. LEE, ESQ. (NSB No.: 10122)
MICHAEL MATTHIS, ESQ. (NSB No.: 14582)
Attorney for Defendants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25th day of October, 2022, I placed a copy of the **NOTICE OF ENTRY OF ORDER DENYING DEFENDATS' MOTION FO ATTORNEYS' FEES** as required by Eighth Judicial District Court Rule 7.26 by delivering a copy or by mailing by United States mail it to the last known address of the parties listed below, facsimile transmission to the number listed, and/or electronic transmission through the Court's electronic filing system to the e-mail address listed below:

STEVEN DAY, ESQ.
Nevada Bar No. 3708
DAY & ASSOCIATES
1060 Wigwam Parkway
Henderson, NV 89074
Tel. (702)309-3333
Fax (702)309-1085
sday@dayattorneys.com
Attorneys for Plaintiff

Frank Miao
frankmiao@yahoo.com
Plaintiff

/s/Mindy Pallares
An employee of MICHAEL B. LEE, P.C.

1 DAO

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 WLAB INVESTMENT, LLC,

6 Plaintiff,

7 vs.

8 TKNR INC., a California Corporation, and CHI ON
9 WONG aka CHI KUEN WONG, an individual, and
10 KENNY ZHONG LIN, aka KEN ZHONG LIN aka
11 KENNETH ZHONG LIN aka ZHONG LIN, an
12 individual, and LIWE HELEN CHEN aka HELEN
13 CHEN, an individual and YAN QIU ZHANG, an
14 individual, and INVESTPRO LLC dba INVESTPRO
15 REALTY, a Nevada Limited Liability Company, and
16 MAN CHAU CHENG, an individual, and JOYCE A.
17 NICKRANDT, an individual, and INVESTPRO
18 INVESTMENTS LLC, a Nevada Limited Liability
19 Company, and INVESTPRO MANAGER LLC, a
20 Nevada Limited Liability Company and JOYCE A.
21 NICKRANDT, an individual and Does 1 through 15
22 and Roe Corporation I – XXX,

23 Defendants.

Case No. A-18-785917-C
Dept No. VII

24 **DECISION AND ORDER**

25 This case arises from WLAB Investment alleging that the TKNR Defendants had fraudulently
26 induced WLAB into purchasing an apartment building that contained numerous defects. Now before
27 the Court is the TKNR Defendants' Motion for Attorneys' Fees. WLAB filed an Opposition to the
28 TKNR Defendants' Motion on August 24, 2022. The parties came before this Court for oral argument
on September 14, 2022. After review of the papers filed and consideration of oral arguments, the
TKNR Defendants' Motion for Attorneys' Fees is denied.

29 **I. Factual and Procedural Background**

30 WLAB filed their initial complaint on December 11, 2018 against the TKNR Defendants for:
31 (1) Recovery under NRS Chapter 113; (2) Construct Fraud; (3) Common Law Fraud; and (4)
32 Fraudulent Inducement. After two years of litigation, the TKNR Defendants filed their Motion for

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

1 Summary Judgment, or in the alternative, Partial Summary Judgment. In the TKNR Defendants'
2 original Motion for Attorney's Fees which was incorporated in their December 15, 2020, Motion for
3 Summary Judgment, the TKNR Defendants petitioned the District Court for attorney's fees pursuant
4 to Rule 11 and NRS 18.010(2)(b). WLAB filed a timely Opposition as well as a Countermotion for
5 continuance based on NRCPP 56(f), and a Countermotion for Imposition of Monetary Sanctions.

6 On March 11, 2021, a hearing was held regarding the TKNR Defendants' Motion for
7 Summary Judgment. The Court granted Summary Judgment as to all claims and awarded the TKNR
8 Defendants attorney's fees as well as Rule 11 Sanctions. On March 31, 2021, the original order
9 granting summary judgment in favor of the TKNR Defendants was filed along with a hearing to show
10 cause related to the violation of Rule 11 by WLAB. However, the then-presiding Judge unilaterally
11 amended the original order, removing the order to show cause language, instead requesting the TKNR
12 Defendants to file an affidavit in support of the requested attorney's fees and costs. The TKNR
13 Defendants filed the Affidavit in support of Attorneys' Fees and Costs indicating that the requested
14 fees and costs were appropriate under either Rule 11 or for abuse of process.

15 On March 16, 2021, WLAB filed a Motion to Reconsider the Amended Order. The Court
16 granted in part and denied in part WLAB's Motion. On May 25, 2021, Judgment was entered awarding
17 the TKNR Defendants the sum of \$128,166.78 in attorneys' fees and costs from WLAB.

18 WLAB later filed a Notice of Appeal arguing that factual issues existed which precluded the
19 District Court from granting summary judgment. WLAB further argued that this matter did not warrant
20 Rule 11 sanctions. On May 12, 2022, the Nevada Supreme Court affirmed in part and reversed in part
21 the TKNR Defendants' Motion for Summary Judgment. The Nevada Supreme Court found that issues
22 of fact did not exist in the record and affirmed the District Court's granting of summary judgment. In
23 regards to the Rule 11 sanctions, the Nevada Supreme Court found that the TKNR Defendants' had
24 not complied with Rule 11 procedural rules. The Court concluded that the District Court imposed
25 sanctions without first giving the offending party notice and reasonable opportunity to respond. As
26 such, the Court reversed the award of the TKNR Defendants' attorney's fees. On August 16, 2022,
27 the Remittitur was filed with the Court.

28 On August 10, 2022, the TKNR Defendants filed the instant motion arguing that recovery of

1 attorneys' fees and costs is appropriate under NRS § 18.010(2)(a), NRS § 17.117, Nev. R. Civ. P. 68.
2 The TKNR Defendants later filed a Supplement arguing they were entitled to attorney fees under the
3 Residential Purchase Agreement entered into between the parties. WLAB later filed an Opposition to
4 the TKNR Defendants' Motion for Attorney Fees and Costs arguing that the TKNR Defendants'
5 Motion should be denied for failing to follow procedural requirements and as untimely pursuant to
6 NRCP 54(d)(B)(i).

7
8 **II. The TKNR Defendants are not entitled to attorney fees and costs under NRCP 11.**

9 Rule 11 requires any motion for sanctions to be made "separately from any other motion and
10 must describe the specific conduct that allegedly violates Rule 11(b)." Nev. R. Civ. P. 11(c)(1)(a). The
11 motion must describe the specific conduct that allegedly violates section 11(b). Id.

12 The requirement of a separate Rule 11 motion is mandatory. Radcliffe v. Rainbow Constr. Co.,
13 254 F.3d 772, 789 (9th Cir. 2001). A request for Rule 11 sanctions cannot be contained within any
14 other motion. Id. The court in Nuwesra v. Merrill Lynch, Fenner & Smith, Inc., rejected defendants'
15 argument to treat their affidavit of service and reply affidavit as a motion for Rule 11 sanctions because
16 a motion must "be made separately from other motions or requests." Nuwesra v. Merrill Lynch, Fenner
17 & Smith, Inc., 174 F.3d 87, 94 (2d Cir. 1999). In Barber v. Miller, the court acknowledged that
18 defendant gave plaintiff multiple warnings but concluded that such warnings were not motions "and
19 the Rule requires service of a motion." Barber v. Miller, 146 F.3d 707, 710 (9th Cir. 1998)

20 The Rule 11 motion must be served on opposing counsel but not filed with the court. Id. This
21 is the 21 day "safe harbor" provision which allows the targeted attorney and party the opportunity to
22 correct or withdraw the alleged wrongful claim or assertion. The 21-day safe harbor provision is also
23 considered a mandatory step. Radcliffe at 788. Other federal appellate courts concur. Tompkins v.
24 Cyr, 202 F.3d 770, 788 (5th Cir.2000); Elliott v. Tilton, 64 F.3d 213, 216 (5th Cir. 1995); Penn, LLC
25 v. Prosper Bus. Dev. Corp., 773 F.3d 764 (6th Cir. 2014). In Corley v. Rosewood Care Ctr., Inc., 142
26 F.3d 1041, 1058 (7th Cir. 1998), the defendants conceded that rule 11 sanctions were improper where
27 they had failed to comply with the separate motion and safe harbor provisions of Rule 11.

28 Here, the TKNR Defendants' Motion for Rule 11 sanctions is combined with their motion for

1 attorney fees. Defendants' Motion further fails to describe WLAB's specific conduct that allegedly
2 violates section 11(b). WLAB was served on August 10, 2022, with the TKNR Defendants' Motion
3 for Attorney Fees. WLAB had not, prior to filing the motion, been served with TKNR's Motion for
4 Rule 11 sanctions. WLAB was served a second time with TKNR's filed motion for attorney fees on
5 August 22, 2022. This again is a direct violation of the procedural requirements of NRCP 11(c)(2)
6 requiring a 21 day safe harbor before a motion for Rule 11 sanctions. Furthermore, this was
7 specifically the Nevada Supreme Court's finding with the last Rule 11 motion previously filed for the
8 TKNR Defendants. On May 12, 2022, The Nevada Supreme Court found that the TKNR Defendants'
9 motion for Rule 11 sanctions did not meet the rule's "Mandatory procedural requirements" and
10 reversed the district court's order awarding attorney fees:

11 In particular, respondents did not serve notice of their motion at least
12 21 days before they filed the motion with the district court and the motion was
13 not made separately from their summary judgment motion as required by NRCP 11(c)(2).

14 See Supreme Court Order, May 12, 2022, p.7

15 The targeted party of Rule 11 sanctions must be given an opportunity to respond. In this case,
16 no such opportunity was given and the TKNR Defendants' again failed to follow Rule 11 procedures.
17 Therefore, The TKNR Defendants' request for attorney fees under Rule 11 is denied.

18 **III. TKNR's request for attorney fees based on NRS 18.010, NRS 17.117 and NRCP 68 is**
19 **denied as untimely.**

20 NRCP 54(d)(B)(i) states that a motion for attorney fees must be filed within 21 days of notice
21 of entry of order of judgment. Pursuant to NRCP 54(d)(B)(i), The TKNR Defendants' instant motion
22 for attorney fees based on NRS 18.010, NRS 17.117 and NRCP 68 is denied as untimely. Here, the
23 TKNR Defendants in their December 15, 2020, Motion for Summary Judgment, requested attorney
24 fees pursuant to NRS 18.010(2)(b) and Rule 11. The then-presiding Judge chose to award attorney
25 fees pursuant to Rule 11. The TKNR Defendants did not appeal the denial of their request for fees
26 pursuant to NRS 18.010(2)(b). The TKNR Defendants instead decided to request fees pursuant to
27 NRS 18.010(2)(b) over one year post judgment.

28 In the TKNR Defendants' Motion for Summary Judgment, TKNR argued they were entitled

1 to attorney fees based on Rule 11 and NRS 18.010(2)(b). See TKNR Defendants' Motion for Summary
2 Judgment, pp. 30-31. The TKNR Defendants never requested fees pursuant to NRS 17.117 or NRCP
3 68. Id. The TKNR Defendants have argued for the first time, over 400 days after notice of entry of
4 judgment, that they are entitled to fees pursuant to NRS 17.117 and NRCP 68. The 21 day window to
5 file a motion for attorney fees under NRCP 54(d)(B)(i) has passed. Therefore, the TKNR Defendants'
6 request for attorney fees pursuant to NRS 18.010, NRS 17.117 and NRCP 68 is denied as untimely.

7
8 **IV. TKNR's request for attorney fees based on the Residential Purchase Agreement is denied as untimely.**

9 On August 25, 2022, The TKNR Defendants filed a supplement to their original Motion
10 arguing that pursuant to the terms of the Residential Purchase Agreement signed by the parties in this
11 matter, the TKNR Defendants are entitled to their attorney fees and costs. The Supplement includes
12 citation to the provision of the Residential Purchase Agreement between the Parties that provide for
13 recovery of attorneys' fees and costs by the prevailing party.

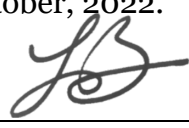
14 Here, the TKNR Defendants had 21 days to file their motion for attorney fees to specify "the
15 judgment and the statute, rule, or other grounds entitling the movant to the award." Nev. R. Civ. P
16 54(d)(2)(B)(i)(ii). The TKNR Defendants filed this supplement to their original Motion for Attorney
17 Fees approximately a year and a half after notice of the entry of judgment. The TKNR Defendants did
18 not mention The Residential Purchase Agreement entered into between both parties as a ground that
19 entitled them to attorney fees when they filed their original motion on December 15, 2020. The TKNR
20 Defendants' request for attorney fees based on the supplement filed on August 25, 2022 is untimely
21 under NRCP 54(d)(2)(B)(i)(ii). Therefore, the Motion for Attorney Fees and Costs pursuant to the
22 Residential Purchase Agreement is denied.

23 **V. Conclusion**

24 In regards to the request for attorney fees under Rule 11, the TKNR Defendants have again
25 failed to follow procedural requirements. Furthermore, Pursuant to NRCP 54(d)(B)(i), The TKNR
26 Defendants' Motion for Attorney Fees and Costs pursuant to NRS 18.010, NRS 17.117, NRCP 68,
27 and the Residential Purchase Agreement is denied as untimely. Based on the foregoing, the TKNR
28

1 Defendants' Motion for Attorneys' Fees and Costs is denied. The October 19, 2022 status check is
2 VACATED.

3 DATED this _____ Dated this 18th day of October, 2022 day of October, 2022.

4 

5 LINDA MARIE BELL
6 DISTRICT COURT JUDGE CD9 616 7970 6BB8
7 Linda Marie Bell
8 District Court Judge

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 W L A B Investment LLC,
Plaintiff(s)

CASE NO: A-18-785917-C

7 vs.

DEPT. NO. Department 7

8
9 TKNR Inc, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/18/2022

15 Brinley Richeson bricheson@daynance.com

16 Steven Day sday@daynance.com

17 Michael Matthis matthis@mblnv.com

18 Nikita Burdick nburdick@burdicklawnv.com

19 Michael Lee mike@mblnv.com

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21 Frank Miao frankmiao@yahoo.com

22 Benjamin Childs ben@benchilds.com

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25 If indicated below, a copy of the above mentioned filings were also served by mail
26 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/19/2022
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John Savage	Holley Driggs Attn: John Savage, Esq 400 South Fourth Street, Third Floor Las Vegas, NV, 89101
Nikita Pierce	6625 South Valley View Blvd. Suite 232 Las Vegas, NV, 89118

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

February 07, 2019

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

February 07, 2019 9:30 AM All Pending Motions

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Childs, Benjamin B., ESQ Attorney
Pierce, Nikita R. Attorney

JOURNAL ENTRIES

- Mr. Pierce stated he represents the five defendants and the Plaintiff does not allege any false allegations by the licensed broker defendants. Mr. Childs argued that there were permits and inspections required, which were not done. Additionally, electrical, plumbing and natural gas lines were worked on without permits. This work was not disclosed to the buyer, which was fraudulent. Following further arguments by counsel. COURT ORDERED, motion DENIED as to Motion for Summary Judgment and Motion to Dismiss. FURTHER, motion for a more definite statement or amended complaint is GRANTED. Mr. Childs stated this will be filed within fourteen days. The Court advised that once there is Discovery and detail in the amended complaint, defendant may file an amended answer.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

December 12, 2019

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

**December 12, 2019 10:30 AM Mandatory Rule 16
Conference**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Marx, Bradley M. Attorney
Pierce, Nikita R. Attorney

JOURNAL ENTRIES

- This case involves other real property and trial will last five to seven days. The Court informed counsel it will augment time now, and absent extraordinary circumstances, extensions/continuances will not be granted later in the trial. Counsel stated that liability is in dispute and there is intentional misconduct. As no Discovery has been conducted, counsel requested an additional 120 days from the JCCR deadlines. Colloquy regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut Off, 6/29/20; Amend Pleadings and Add Parties, 4/13/20; Initial Disclosure, 4/13/20; Rebuttal Disclosure, 5/26/20; Dispositive Motions, 7/20/20 and Trial Ready Date 9/28/20. COURT ORDERED, trial date SET and matter set for a status check regarding settlement.

7/30/29 9:30 AM STATUS CHECK: SETTLEMENT

10/29/20 9:30 AM CALENDAR CALL

11/16/20 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

July 30, 2020

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

July 30, 2020 9:30 AM Status Check

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court emailed all parties to confirm the status of settlement progress. No party replied. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 10/14/20 IN-CHAMBERS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

September 02, 2020

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

**September 02, 2020 3:00 AM Status Check:
Settlement/Trial Setting**

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK: Michelle Jones
Carina Bracamontez-Munguia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The parties have not responded. This Court CONTINUES this status check to November 4, 2020 on Chambers Calendar.

CLERK'S NOTE: The above minute order has been distributed to: Benjamin Childs, Esq. (ben@benchilds.com), and Nikita Pierce (nburdick@burdicklawnv.com) // cbm 09/09/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

October 14, 2020

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

October 14, 2020 3:00 AM Status Check Settlement

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter has not settled. The Court CONTINUES this matter to Wednesday, December 9, 2020 on Chambers Calendar.

****CLERK'S NOTE:** This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property**COURT MINUTES****October 22, 2020**

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
 vs.
 TKNR Inc, Defendant(s)

October 22, 2020	3:00 AM	Minute Order	Defendant Motion to Enlarge Discovery (First Request) on an Order Shortening Time
-------------------------	----------------	---------------------	--

HEARD BY: Escobar, Adriana**COURTROOM:** Chambers**COURT CLERK:** Louisa Garcia**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion to Enlarge Discovery (First Request) on an Order Shortening Time (Motion), which Plaintiff opposed, was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on October 22, 2020. Based on the pleadings and arguments of counsel, the Court issues the following order:

There is an "inherent power of the judiciary to economically and fairly manage litigation." Borger v. Eighth Judicial Dist. Court, 120 Nev. 1021, 1029 (2004). NRCP 16(b)(4) provides that a scheduling order for trial may be modified by the court for good cause.

Further, EDCR 2.35(a) allows requests to extend discovery if in writing and supported by a showing of good cause for the extension and be filed no later than 21 days before the discovery cut-off date or any extension thereof. A request made beyond the period specified above shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect. (emphasis added).

Defendants bring the instant motion due to their failure to make initial expert disclosures by the October 15, 2020, deadline. Pursuant to the scheduling order entered on June 26, 2020, the discovery cut-off date is October 30, 2020. Defendants filed their Motion on October 15, 2020, more than 21 days before the discovery cut-off date. Here, the Court finds that Defendants' failure to seek an extension of the discovery deadline in a timely manner was the result of excusable neglect. Moreover, Defendant demonstrated good cause warranting this Court to extend discovery, namely that due at least in part the current COVID-19 pandemic, the parties have not conducted any depositions. Additionally, Defendants failed to designate a rebuttal expert due to excusable neglect.

Based on the foregoing, the Court GRANTS Defendant's Motion.

The Court continues discovery as follows:

Amend Pleadings: December 14, 2020
Initial Expert Disclosures: November 30, 2020
Rebuttal Expert: December 4, 2020
Discovery Cut-Off: March 2, 2021
Dispositive Motion: January 25, 2021
Calendar Call: April 1, 2021
Trial Stack: April 19, 2021

Counsel for Defendant is directed to prepare a proposed order based on this Minute Order. Counsel for Plaintiff is to approve as to form and content.

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: This Minute Order has been emailed to Benjamin Childs, Esq. (ben@benchilds.com); Nikita Pierce (nburdick@burdicklawnv.com) and Michael Lee (mike@mblnv.com). /lg

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

October 22, 2020

A-18-785917-C	W L A B Investment LLC, Plaintiff(s) vs. TKNR Inc, Defendant(s)
---------------	---

October 22, 2020	9:30 AM	Motion to Extend Discovery
-------------------------	----------------	---------------------------------------

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

PARTIES

PRESENT:	Childs, Benjamin B., ESQ Pierce, Nikita R.	Attorney Attorney
-----------------	---	----------------------

JOURNAL ENTRIES

- Appearances continued: Michael Lee, Esq., present on behalf of Defendant and Frank Miao, present on behalf of Plaintiff, Corporation.

Mr. Lee advised he will be substituting in on behalf of Defendants. Court directed counsel to file a substitution by the end of today. Ms. Pierce stated she was the current attorney and was present should the Court have any questions.

Mr. Lee stated he was seeking a five-month extension. Mr. Childs objected stating his client worked zealously to get his expert witness and they are ready to proceed to trial, noting he contacted Department 30 for dates. Mr. Childs proposed a two-month extension. Court advised the case cannot be settled if there is not enough discovery. Court stated it was its understanding there was an issue for four days in August where the server went down in Ms. Pierce's law firm is why they did not see it. COURT finds good cause and ORDERED, Defendant's Motion GRANTED; Discovery CONTINUED as follows:

Discovery Cut-Off: March 2, 2021

Amend Pleadings: December 14, 2020
Initial Expert Disclosures: November 30, 2020
Rebuttal Expert: December 4, 2020
Dispositive Motion: January 25, 2021
Calendar Call: April 1, 2021
Trial Stack: April 19, 2021

Ms. Pierce to prepare Order. Court advised it would issue a more detailed minute order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

November 18, 2020

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

November 18, 2020 3:00 AM Motion for Leave

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants Motion for Leave to File Amended Answer, Counterclaims, and Third-Party Claims on an Order Shortening Time (Motion), which Plaintiff opposed, was set for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on November 18, 2020. After considering the pleadings of counsel, the Court enters the following order:

A motion for leave to amend is left to the sound discretion of the trial judge, and the trial judge's decision will not be disturbed absent an abuse of discretion. *University & Cmty. Coll. Sys. v. Sutton*, 120 Nev. 972, 988 (2004).

Under NRCP 15(a)(2), [t]he court should freely give leave when justice so requires. Motions for leave to amend a pleading ought to be granted unless a strong reason exists not to do so, such as prejudice to the opponent or lack of good faith by the moving party. *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 284 (Nev. App. 2015); see also *Stephens v. S. Nev. Music Co.*, 89 Nev. 104, 105 06 (1973) ([I]n the absence of any apparent or declared reason such as undue delay, bad faith or dilatory motive on the part of the movant the leave sought should be freely given.).

Here, Defendants Motion is timely filed as the deadline to amend the pleadings and add parties is

December 14, 2020. The Court finds that Defendants should be given leave to amend their complaint. The arguments Plaintiff raises in opposition are meritless.

Based on the foregoing, the Court GRANTS Defendants Motion.

Counsel for Defendants is directed to prepare a proposed order approved by Plaintiff as to form and content.

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: The above minute order has been distributed to: Michael Lee Esq., and Michael Matthis Esq., at mike@mblnv.com, Benjamin Childs Esq., at ben@benchilds.com, and Nikita Burdick Esq., at nburdick@burdicklawnv.com. 11/18/20 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

December 09, 2020

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

December 09, 2020 3:00 AM Status Check

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The parties have a settlement conference scheduled for January 8, 2021. COURT ORDERED, matter CONTINUED to February 3, 2021, on Chambers Calendar.

2/03/21 3:00 AM STATUS CHECK: SETTLEMENT

CLERK'S NOTE: A copy of this minute order was distributed to: Michael Lee, Esq., (mike@mblnv.com), Benjamin Childs, Esq., (ben@benchilds.com) and Nikita Burdick, Esq., (nburdick@burdicklawnv.com).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

February 03, 2021

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

February 03, 2021 3:00 AM Status Check

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK: Dauriana Simpson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The parties have not settled and are disagreement about how the parties are, and have, conducted discovery. The Court CONTINUES this status check to March 9, at 10:00AM on civil law and motion calendar.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana Simpson, to all registered parties for Odyssey File and Serve. 2/10/2021/ds

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property**COURT MINUTES****March 02, 2021**

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

March 02, 2021	10:00 AM	Motion to Compel	Plaintiff's Motion to Compel Discovery and for Imposition of Sanctions re: TKNR - Request for Production of Documents, Chi Wong - Request for Production of Documents and Investpro LLC - Request for Production of Documents on OST
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HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Childs, Benjamin B., ESQ	Attorney
	Lee, Michael B.	Attorney

JOURNAL ENTRIES

- Frank Maio present.

Arguments by counsel. The Motion for Summary Judgment, or in the alternative, Partial Summary Judgment is set 3-11-2021. Commissioner FINDS there was a misunderstanding, and objections will STAND. Discovery closes today. Upon Commissioner's inquiry, Mr. Lee stated there is no Motion

pending to extend the discovery deadlines. As the claims currently stand, Commissioner allowed the discovery to go forward. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; DENIED as to an award of sanctions.

TKNR

COMMISSIONER RECOMMENDED, RFP 22 supplemental responses are COMPELLED from Deft; RFP 23 is PROTECTED; RFP 24 objection STANDS; RFP 25 identify and produce documents, receipts, and expenses paid for the property during the relevant timeframe; RFP 26 and 27 identify specific bates ranges in 16.1 documents that support Deft's position; RFP 28 is PROTECTED, and limited to communications between TKNR and InvestPro for the subject property from 2015 to 2018; RFP 29 similarly limited for the same time period.

CHI WONG

COMMISSIONER RECOMMENDED, RFP 1 through 6 communications limited to any and all documents for the subject property from 2015 to 2018; RFP 7 clarify and give bates numbers in Deft's possession, custody, or control; RFP 8 as Directed on the record; RFP 9 is PROTECTED; RFP 10 produce documents relevant to what ownership interest Deft has.

INVESTPRO LLC

COMMISSIONER RECOMMENDED, RFP 1 repairs, maintenance, or modifications made from August 2015 to July 31, 2018 at the subject property; RFP 2 is more appropriate for an Interrogatory; RFP 2 and 3 are PROTECTED; RFP 4 supplement required; RFP 5 further supplement required; RFP 6 is PROTECTED; RFP 7 is COMPELLED; RFP 8 is limited to allow communications, Contracts, instructions, and agreements (further response is required); RFP 11 is allowed limited to the subject property for the timeframe, to the extent it exists; RFP 12 is COMPELLED, and supplement; RFP 13, 14, 15, 16, 17, and 18 must be supplemented.

Commissioner will be as consistent as the Commissioner can be on additional Motions.

Commissioner Directed counsel to conduct an additional 2.34 conference to resolve any issues in the upcoming Motions based on the rulings given today. If issues are unresolved, the Motions will remain on calendar. COMMISSIONER RECOMMENDED, Countermotion for Protection is GRANTED IN PART and DENIED IN PART as stated.

Mr. Childs to prepare the Report and Recommendations, and Mr. Lee to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

March 11, 2021

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

March 11, 2021 9:30 AM All Pending Motions

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

PARTIES

PRESENT: Day, Steven L. Attorney
Lee, Michael B. Attorney
W L A B Investment LLC Plaintiff

JOURNAL ENTRIES

- DEFENDANTS MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT...OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT COUNTERMOTION FOR CONTINUANCE BASED ON NRCP 56(F) AND COUNTERMOTION FOR IMPOSITION OF MONETARY SANCTIONS

Arguments by counsel regarding the merits and opposition of the Motion. COURT STATED ITS FINDINGS AND ORDERED, motion GRANTED as to all claims and attorney's fees; Countermotion DENIED. Mr. Lee to prepare a detailed order and provide it to opposing counsel for approval as to form and content in both PDF version and Word version to DC14Inbox@clarkcountycourts.us. Pursuant to EDCR 1.90(a)(4), COURT FURTHER ORDERED, Counsel to submit the proposed order within 14 days of this decision.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

April 07, 2021

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

**April 07, 2021 3:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK:

RECORDER: Sandra Anderson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Counsel's Motion to Withdraw as Attorney for Plaintiff (Motion) came on for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on April 7, 2021. Upon thorough review of the pleadings, this Court enters the following order:

Attorney Benjamin B. Childs seeks to withdraw as counsel of record for Plaintiff W L A B Investment, LLC.

On December 15, 2020, Defendants filed their Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment.

On March 4, 2021, Mr. Childs filed a Motion to Withdraw as Counsel for Plaintiff.

On March 10, 2021, Attorney Steven L. Day, Esq. filed a Substitution of Attorneys, substituting himself as counsel of record for Plaintiff in place and stead Mr. Childs.

On March 11, the Court heard Defendants' Motion for Summary Judgment, or in the Alternative,

Partial Summary Judgment. Mr. Day appeared on behalf of Plaintiff.

On March 30, 2021, this Court issued an Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment.

On April 7, 2021, this Court issued an Amended Order Granting Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, disposing of this matter. In this Order, the Court awarded Defendants attorney fees and costs pursuant to NRCP 11.

For good cause showing pursuant to EDCR 7.40(b)(2), RPC 1.16(b), and SCR 46, this Court hereby GRANTS the Motion.

This Court notes the following: This matter is closed. However, although this Court awarded Defendants attorney fees and costs under NRCP 11, this Court has not made a final determination regarding the amount of attorney fees and costs Defendants are entitled to. Given that Mr. Childs brought the instant action on behalf of Plaintiff, which was the basis of this Court's award of attorney fees and costs under NRCP 11, Mr. Childs is still within the jurisdiction of this Court until this matter is fully resolved. Mr. Childs must be present for remaining motion practice, if any, on this issue, regardless, of the Court's granting of this Motion.

Counsel for Plaintiff is directed to prepare a proposed order that lists all future deadlines and hearings, and includes Plaintiff's last known physical and/or mailing address, email, and phone number.

Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4).

All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email - appended as the last page of the proposed order - confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

May 17, 2021

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

May 17, 2021 3:00 AM Minute Order

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiffs Motion to Reconsider (Motion), which Defendants opposed, was scheduled for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 18, 2021. Pursuant to Administrative Order 21-03 and preceding administrative orders, this matter may be decided after a hearing, decided on the pleadings, or continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings when possible, this Court has determined that it would be appropriate to decide this matter based on the pleadings submitted. Upon thorough review of the pleadings, this Court issues the following order:

Leave for reconsideration of motions is within this Court s discretion under EDCR 2.24.

A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997).

Unless otherwise ordered by the court, papers submitted in support of pretrial and post-trial briefs shall be limited to 30 pages, excluding exhibits. EDCR 2.20(a).

Plaintiff seeks reconsideration of this Court s April 7, 2021, Amended Order Granting Defendants

Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment.

In its opposition, Defendants argue that Plaintiff's Notice of Appeal in this matter divests this Court of jurisdiction to rule on Plaintiff's Motion. This Court disagrees. Because Plaintiff filed a motion for reconsideration, the April 7, 2021, order is not final appealable order. Therefore, the appeal was premature. A premature notice of appeal does NOT divest the district court of jurisdiction. NRAP 4(a)(6). Therefore, this Court has jurisdiction to rule on the Motion.

Additionally, Defendants' argument that Plaintiff's Motion was untimely filed lacks merit. Defendants filed the Notice of Entry of Order on April 8, 2021. Therefore, Plaintiff had until April 22, 2021, to file the instant Motion. Plaintiff filed this Motion on April 16, 2021, and thus, the Motion is timely.

Before addressing the substantive merits of Plaintiff's Motion, this Court notes that Plaintiff's 179-page Motion includes 40 pages of argument, notwithstanding the exhibits. Although Plaintiff did not seek an order from this Court permitting a longer brief, Court addresses the Motion in full.

Plaintiff spends a majority of its Motion rehashing the facts of the underlying dispute. Plaintiff argues that exhibits the Court relied on in granting Defendants' underlying motion for summary judgment namely, the Residential Purchase Agreement and the Second Residential Purchase Agreement were not properly authenticated. Plaintiff additionally argues that Defendants discussed an email from Chen to Ms. Zhu without providing a foundation for the email. Plaintiff's argument is that this Court committed clear error by relying on unauthenticated documents, or hearsay, in ruling on Defendants' motion for summary judgment.

In opposing summary judgment, Plaintiff was required to point to specific facts creating a genuine issue of material fact. *LaMantia v. Redisi*, 118 Nev. 27, 29 (2002). Plaintiff did not so.

Moreover, Defendants were not required to authenticate the first and second Residential Purchase Agreement before this Court could rely on those documents in granting summary judgment. First, Plaintiff did not contest the authenticity of the disputed documents in opposing summary judgment. Second, Plaintiff could have objected that these documents, which were Defendants repeatedly cite to in their motion for summary judgment, cannot be presented in a form that would be admissible in evidence. NRCP 56(b)(2) it did not. Finally, summary judgment is not trial. Authentication is for purposes of introducing evidence at trial. Therefore, this argument lacks merits.

Plaintiff has not demonstrated that this Court's ruling was clearly erroneous.

Plaintiff additionally argues that Rule 11 sanctions were not warranted and also asks this Court to clarify whether Mr. Day and his firm are to be included in the sanctions. Plaintiff has not demonstrated that this Court's decision to grant Rule 11 sanctions was clearly erroneous. However, this Court does clarify that the sanctions are awarded against Plaintiff's former counsel, Ben Childs, and not Plaintiff's current counsel, Mr. Day. See NRCP 11(c)(1): (If, after notice and a reasonable

opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.).

The Court additionally notes the following: Although they do not caption their opposition as a counter motion, Defendants' opposition raise an argument that Rule 11 sanctions are warranted as to Plaintiff's instant Motion. This Court does not find that Rule 11 sanctions are warranted for Plaintiff's filing of this Motion.

Defendants also ask that this Court issue an award of attorney fees and costs in the amount of \$128,166.78. In its April 7, 2021, order, this Court granted Defendants attorney fees and costs pursuant to Rule 11. Plaintiff, through its former or new counsel, does not oppose the specific amounts requested. This Court grants the amount Defendants seek.

Based on the foregoing, this Court GRANTS IN PART AND DENIES IN PART Plaintiff's Motion. This Court does not find that its ruling was clearly erroneous. However, the Court clarifies that the attorney fees and costs is awarded against Plaintiff's former counsel.

Counsel for Defendants is directed to prepare a proposed order that incorporates the substance of this minute order and the pleadings. Plaintiff must approve as to form and content.

Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4).

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: Counsel are to ensure a copy of the foregoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (5-17-21 np).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

November 18, 2021

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

November 18, 2021 10:00 AM Further Proceedings

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Day, Steven L. Attorney
 Matthis, Michael N. Attorney

JOURNAL ENTRIES

- All parties present via BlueJeans. Robert Whittier, Esq. present on behalf of Benjamin Childs, Esq.

Court advised this matter was reassigned to this Court after an order from the Supreme Court. Court advised District Court was instructed to vacate the part of its order that imposed sanctions against the Petitioner, and have the matter reassigned before a different Judge. Court noted an Order was submitted regarding the same, but there was an issue that needed to be corrected. Court advised the Order indicated it was going to strike a section of the document and it referenced lines 1-2 on the second page, however, it should have been lines 1-4 so that the entire paragraph is stricken. Counsel advised Mr. Childs would send a corrected Order. Colloquy regarding which sections needed to be stricken. Court advised counsel to have someone re-submit the an Order that complies with the things that were being requested, whether it be an order deleting things or an amended order without those things listed. Colloquy regarding jurisdiction since claims between Plaintiff and Defendant were still on appeal. Court encouraged counsel to work together and submit the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

September 14, 2022

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

September 14, 2022 9:00 AM Motion for Attorney Fees

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 05B

COURT CLERK: Sandra Matute

RECORDER: Kimberly Estala

REPORTER:

PARTIES

PRESENT: Day, Steven L. Attorney
 Matthis, Michael N. Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of the motion. Colloquy regarding Supreme Court decision. COURT ORDERED, matter UNDER ADVISEMENT; written order TO ISSUE; matter SET for Status Check on decision.

09/28/2022 9:00 A.M STATUS CHECK: DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

September 28, 2022

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

September 28, 2022 9:00 AM Status Check

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 05B

COURT CLERK: Sandra Matute

RECORDER: Kimberly Estala

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 10/12/2022 9:00 A.M

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

October 12, 2022

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

October 12, 2022 9:00 AM Status Check

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 05B

COURT CLERK: Sandra Matute

RECORDER: Kimberly Estala

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 10/19/22 9:00 A.M

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

October 19, 2022

A-18-785917-C W L A B Investment LLC, Plaintiff(s)
vs.
TKNR Inc, Defendant(s)

October 19, 2022 9:00 AM Status Check

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 05B

COURT CLERK: Louisa Garcia

RECORDER: Kimberly Estala

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter OFF CALENDAR.



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

MICHAEL B. LEE, ESQ.
1820 E. SAHARA AVE., SUITE 110
LAS VEGAS, NV 89104

DATE: November 2, 2022
CASE: A-18-785917-C

RE CASE: W L A B INVESTMENTS, LLC vs. TKNR, INC.; CHI ON WONG aka CHI KUEN WONG; KENNY ZHONG LIN aka KEN ZHONG LIN aka KENNETH ZHONG LIN aka WHONG K. LIN aka CHONG KENNY LIN aka ZHONG LIN; LIWE HELEN CHEN aka HELEN CHEN; YAN QIU ZHANG; INVESTPRO LLC dba INVESTPRO REALTY; MAN CHAU CHENG; JOYCE A. NICKRANDT; INVESTPRO INVESTMENTS LLC; INVESTPRO MANAGER LLC

NOTICE OF APPEAL FILED: October 31, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FO ATTORNEYS' FEES; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

W L A B INVESTMENTS, LLC,

Plaintiff(s),

vs.

TKNR, INC.; CHI ON WONG aka CHI KUEN WONG; KENNY ZHONG LIN aka KEN ZHONG LIN aka KENNETH ZHONG LIN aka WHONG K. LIN aka CHONG KENNY LIN aka ZHONG LIN; LIWE HELEN CHEN aka HELEN CHEN; YAN QIU ZHANG; INVESTPRO LLC dba INVESTPRO REALTY; MAN CHAU CHENG; JOYCE A. NICKRANDT; INVESTPRO INVESTMENTS LLC; INVESTPRO MANAGER LLC,

Defendant(s),

Case No: A-18-785917-C

Dept No: XIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 2 day of November 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk