

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, a Nevada limited liability company, AM-GSR HOLDINGS, LLC, a Nevada limited liability company; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, a Nevada limited liability company;

Appellants/Cross-Respondents,
vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNE ALEXANDER, as Trustee of the MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI and GEORGE VAGUJHELYI, as Trustees of the GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D'ARCY NUNN; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; ROBERT R. PEDERSON, individually and as Trustee of the PEDERSON 1990 TRUST; LOU ANN PEDERSON; LORI ORDOVER; WILLIAM A. HENDERSON, individually; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOLI; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE and MONICA L. LEE, as Trustees of the LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN; ELIAS

No. 85915
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Elizabeth A. Brown
Clerk of Supreme Court
RESPONSE TO
ORDER TO
SHOW CAUSE

SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON WAN; TIMOTHY D. KAPLAN; SILKSCAPE INC., a California Corporation; PETER CHENG; ELISA CHENG; GREG A. CAMERON; TMI PROPERTY GROUP, LLC; a California limited liability company; RICHARD LUTZ; SANDRA LUTZ; MARY A. KOSSICK; MELVIN H. CHEAH; DI SHEN; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA; SEEMA GUPTA; FREDERICK FISH; LISA FISH; ROBERT A. WILLIAMS; JACQUELIN PHAM; MAY ANNE HOM, as Trustee of the MAY ANNE HOM TRUST; MICHAEL HURLEY; DOMINIC YIN; DUANE WINDHORST; MARILYN WINDHORST; VINOD BHAN; ANNE BHAN; GUY P. BROWNE; GARTH A. WILLIAMS; PAMELA Y. ARATANI; DARLEEN LINDGREN; LAVERNE ROBERTS; DOUG MECHAM; CHRISTINE MECHAM; KWANG SOON SON; SOO YEU MOON; JOHNSON AKINBODUNSE; IRENE WEISS, as Trustee of the WEISS FAMILY TRUST; PRAVESH CHOPRA; TERRY POPE; NANCY POPE; JAMES TAYLOR; RYAN TAYLOR; KI NAM CHOI; YOUNG JA CHOI; SANG DAE SOHN; KUK HYUN (CONNIE) YOO; SANG SOON (MIKE) YOO; BRETT MENMUIR, as TRUSTEE OF THE CAYENNE TRUST; WILLIAM MINER, JR; CHANH TRUONG; ELIZABETH ANDRES MECUA; SHEPHERD MOUNTAIN, LLC; a Texas limited liability company; ROBERT BRUNNER; AMY BRUNNER; JEFF RIOPELLE; PATRICIA M. MOLL; and DANIEL MOLL,

Respondents/Cross-Appellants.

MEI-GSR HOLDINGS, LLC, a Nevada limited liability company, AM-GSR HOLDINGS, LLC, a Nevada limited liability company; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, a Nevada limited liability company;

No. 86092

Appellants/Cross-Respondents,
vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNE ALEXANDER, as Trustee of the MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI and GEORGE VAGUJHELYI, as Trustees of the GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D'ARCY NUNN; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; ROBERT R. PEDERSON, individually and as Trustee of the PEDERSON 1990 TRUST; LOU ANN PEDERSON; LORI ORDOVER; WILLIAM A. HENDERSON, individually; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOLI; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE and MONICA L. LEE, as Trustees of the LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE

RICHE; NORMAN CHANDLER; BENTON
WAN; TIMOTHY D. KAPLAN; SILKSCAPE
INC., a California Corporation;
PETER CHENG; ELISA CHENG; GREG A.
CAMERON; TMI PROPERTY GROUP, LLC; a
California limited liability company;
RICHARD LUTZ; SANDRA LUTZ; MARY A.
KOSSICK; MELVIN H. CHEAH; DI SHEN;
NADINE'S REAL ESTATE INVESTMENTS,
LLC; AJIT GUPTA; SEEMA GUPTA;
FREDERICK FISH; LISA FISH; ROBERT A.
WILLIAMS; JACQUELIN PHAM; MAY ANNE
HOM, as Trustee of the MAY ANNE HOM
TRUST; MICHAEL HURLEY; DOMINIC YIN;
DUANE WINDHORST; MARILYN
WINDHORST; VINOD BHAN; ANNE BHAN;
GUY P. BROWNE; GARTH A. WILLIAMS;
PAMELA Y. ARATANI; DARLEEN LINDGREN;
LAVERNE ROBERTS; DOUG MECHAM;
CHRISTINE MECHAM; KWANG SOON SON;
SOO YEU MOON; JOHNSON
AKINBODUNSE; IRENE WEISS, as
Trustee of the WEISS FAMILY TRUST;
PRAVESH CHOPRA; TERRY POPE; NANCY
POPE; JAMES TAYLOR; RYAN TAYLOR; KI
NAM CHOI; YOUNG JA CHOI; SANG DAE SOHN;
KUK HYUN (CONNIE) YOO; SANG SOON
(MIKE) YOO; BRETT MENMUIR, as
TRUSTEE OF THE CAYENNE TRUST;
WILLIAM MINER, JR; CHANH TRUONG;
ELIZABETH ANDRES MECUA; SHEPHERD
MOUNTAIN, LLC; a Texas limited
liability company; ROBERT BRUNNER;
AMY BRUNNER; JEFF RIOPELLE; PATRICIA
M. MOLL; and DANIEL MOLL,

Respondents/Cross-Appellants.

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MEI-GSR HOLDINGS, LLC, a Nevada limited liability company, AM-GSR HOLDINGS, LLC, a Nevada limited liability company; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, a Nevada limited liability company;

No. 86985

Appellants/Cross-Respondents,
vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNE ALEXANDER, as Trustee of the MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI and GEORGE VAGUJHELYI, as Trustees of the GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D'ARCY NUNN; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; ROBERT R. PEDERSON, individually and as Trustee of the PEDERSON 1990 TRUST; LOU ANN PEDERSON; LORI ORDOVER; WILLIAM A. HENDERSON, individually; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOLI; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE and MONICA L. LEE, as Trustees of the LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON

WAN; TIMOTHY D. KAPLAN; SILKSCAPE
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CAMERON; TMI PROPERTY GROUP, LLC; a
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LLC; AJIT GUPTA; SEEMA GUPTA;
FREDERICK FISH; LISA FISH; ROBERT A.
WILLIAMS; JACQUELIN PHAM; MAY ANNE
HOM, as Trustee of the MAY ANNE HOM
TRUST; MICHAEL HURLEY; DOMINIC YIN;
DUANE WINDHORST; MARILYN
WINDHORST; VINOD BHAN; ANNE BHAN;
GUY P. BROWNE; GARTH A. WILLIAMS;
PAMELA Y. ARATANI; DARLEEN LINDGREN;
LAVERNE ROBERTS; DOUG MECHAM;
CHRISTINE MECHAM; KWANG SOON SON;
SOO YEU MOON; JOHNSON
AKINBODUNSE; IRENE WEISS, as
Trustee of the WEISS FAMILY TRUST;
PRAVESH CHOPRA; TERRY POPE; NANCY
POPE; JAMES TAYLOR; RYAN TAYLOR; KI
NAM CHOI; YOUNG JA CHOI; SANG DAE SOHN;
KUK HYUN (CONNIE) YOO; SANG SOON
(MIKE) YOO; BRETT MENMUIR, as
TRUSTEE OF THE CAYENNE TRUST;
WILLIAM MINER, JR; CHANH TRUONG;
ELIZABETH ANDRES MECUA; SHEPHERD
MOUNTAIN, LLC; a Texas limited
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AMY BRUNNER; JEFF RIOPELLE; PATRICIA
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Respondents/Cross-Appellants.

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MEI-GSR HOLDINGS, LLC, a Nevada limited liability company, AM-GSR HOLDINGS, LLC, a Nevada limited liability company; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, a Nevada limited liability company;

No. 87303

Appellants/Cross-Respondents,
vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNE ALEXANDER, as Trustee of the MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI and GEORGE VAGUJHELYI, as Trustees of the GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D'ARCY NUNN; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; ROBERT R. PEDERSON, individually and as Trustee of the PEDERSON 1990 TRUST; LOU ANN PEDERSON; LORI ORDOVER; WILLIAM A. HENDERSON, individually; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOLI; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE and MONICA L. LEE, as Trustees of the LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON

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MEI-GSR HOLDINGS, LLC, a Nevada limited liability company, AM-GSR HOLDINGS, LLC, a Nevada limited liability company; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, a Nevada limited liability company;

No. 87567

Appellants/Cross-Respondents,
vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNE ALEXANDER, as Trustee of the MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI and GEORGE VAGUJHELYI, as Trustees of the GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D'ARCY NUNN; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; ROBERT R. PEDERSON, individually and as Trustee of the PEDERSON 1990 TRUST; LOU ANN PEDERSON; LORI ORDOVER; WILLIAM A. HENDERSON, individually; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOLI; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE and MONICA L. LEE, as Trustees of the LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON

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WINDHORST; VINOD BHAN; ANNE BHAN;
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AMY BRUNNER; JEFF RIOPELLE; PATRICIA
M. MOLL; and DANIEL MOLL,

Respondents/Cross-Appellants.

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RESPONSE TO ORDER TO SHOW CAUSE

Respondents hereby respond to this court's November 16, 2023 order to show cause (OSC). The OSC noted that the district court's NRCP 54(b) certification order issued on June 28, 2023, did not make an express determination that there is no just reason for delay, and did not direct entry of a final judgment. The OSC gave the parties 14 days from the date of the OSC "within which to seek from the district court, and provide to this court, an amended NRCP 54(b) certification reflecting the district court's express determination that there is no just reason for delay and that expressly directs entry of final judgment." (OSC p. 20).

On November 28, 2023, the district court entered an "Amended Order," which is attached to this response as Exhibit 1. The new order contains the following provision: "This Court expressly determines that there is no just reason for delay. Accordingly, the Court expressly directs entry of final judgment pursuant to NRCP 54(b)." (Amended Order, p. 2, lines 2-3.)

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Accordingly, respondents have satisfied the OSC by filing this timely response and by providing this court with the amended NRCP 54(b) certification.

Dated: November 28, 2023

JARRAD C. MILLER, ESQ. (SBN 7093)
BRIANA N. COLLINGS, ESQ. (SBN 14694)
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Reno, Nevada 89519
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By: /s/ Robert L. Eisenberg
Robert L. Eisenberg
*Attorneys for Respondents/
Cross-Appellants*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Lemons, Grundy & Eisenberg, over the age of eighteen, and not a party to the within action. I further certify that on November 28, 2023, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Jordan T. Smith, Esq.
Pisanelli Bice PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101
*Attorneys for Appellants/
Cross-Respondents*

Abran Vigil, Esq.
Meruelo Group, LLC
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2535 Las Vegas Boulevard South
Las Vegas, NV 89109
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Cross-Respondents*

Ann O. Hall, Esq.
David C. McElhinney, Esq.
Meruelo Group, LLC
2500 E. 2nd Street
Reno, NV 89595
*Attorneys for Appellants/
Cross-Respondents*

/s/ Margie Nevin
Margie Nevin, an employee of
Lemons, Grundy & Eisenberg

Exhibit Index

<u>Exhibit</u>	<u>Description</u>
1	Amended Order, filed November 28, 2023

EXHIBIT 1

*Amended Order,
filed November 28, 2023*

EXHIBIT 1

*Amended Order,
filed November 28, 2023*

CODE: 2490
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Attorneys for Plaintiffs

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

ALBERT THOMAS, individually; *et al.*,

Plaintiffs,

vs.

Case No. CV12-02222
Dept. No. OJ41

MEI-GSR HOLDINGS, LLC, a Nevada
limited liability company, GRAND SIERRA
RESORT UNIT OWNERS' ASSOCIATION,
a Nevada nonprofit corporation, GAGE
VILLAGE COMMERCIAL
DEVELOPMENT, LLC, a Nevada limited
liability company; AM-GSR HOLDINGS,
LLC, a Nevada limited liability company; and
DOE DEFENDANTS 1 THROUGH 10,
inclusive,

Defendants.

AMENDED ORDER

Pursuant to WDCR 12(5) the Court after a review of the briefing and related documents
and being fully informed rules on MOTION TO CERTIFY AMENDED FINAL JUDGMENT

1 AS FINAL PURSUANT TO NRCP 54(b) ("Motion to Certify")¹. In an abundance of caution,
2 the Motion to Certify is granted. This Court expressly determines that there is no just reason for
3 delay. Accordingly, the Court expressly directs entry of final judgment pursuant to NRCP 54(b).

4 While it is clear that the claim for a Receiver has previously been adjudicated through the
5 Order Appointing Receiver and Directing Defendants' Compliance filed January 7, 2015
6 ("Appointment Order"), the oversight of the Receivership and the Receivership Estate is a
7 continuing judicial responsibility. The Court has repeatedly stated that it retains jurisdiction over
8 the dissolution plan detailed in the December 5, 2022 order, and the wind up of the Receivership.
9 The December 5, 2022 order provides in pertinent part:

10 Therefore the Court issues the following Orders:

11 IT IS THEREFORE ORDERED, that the Grand Sierra unit owners
12 are allowed to proceed with their vote to terminate the GSRUOA
13 and election to sell the Property as a whole.

14 IT IS FURTHER ORDERED that prior to a sale of the Property as
15 a whole, the Court shall enter an Order on motion to terminate and
16 or modify the Receivership that addresses the issues of payment to
17 the Receiver and his counsel, the scope of the wind up process of
18 the GSRUOA to be overseen by the Receiver, as well as the
19 responsibility for any amounts which are awarded as a result of the
20 pending Applications for OSC.

21 IT IS FURTHER ORDERED that no sale of the units at GSRUOA
22 or the property rights related to the GSRUOA and the units which
23 currently compose GSRUOA shall occur until further order of this
24 Court which includes a process for the resolution of any retained
25 claims by Plaintiffs and procedure for the determination of fair
26 market value of Plaintiffs' units under NRS 116.2118 et seq.

27 IT IS FURTHER ORDERED that this Court shall provide
28 supervision of the appraisal process of the units in order to assure
that Plaintiffs are provided an opportunity to submit their own
appraisal of their respective units for consideration and
determination of the fair market value of their units and their
allocated interests.

IT IS FURTHER ORDERED that Defendants and anyone acting
on their behalf are restrained from transferring, selling or otherwise
alienating, the units at GSRUOA or the property rights related to
the GSRUOA and the units which currently compose GSRUOA
pending further order of the Court.

IT IS FURTHER ORDERED that the bond posted by Plaintiffs in
the amount of \$50,000, following the Court's granting a

¹ The Court has reviewed the Motion to Certify Amended Final Judgment as Final Pursuant to NRCP 54(b) filed on May 26, 2023; Defendants' Opposition to Plaintiff's Motion to Certify Amended Final Judgment as Final pursuant to NRCP 54(b) (filed 5/26/23) filed on June 14, 2023 and Plaintiffs' Reply in Support of Motion to Certify Amended Final Judgment as Final Pursuant to NRCP 54(b) filed June 23, 2023.

1 Temporary Restraining Order on March 11, 2022, remain in place
2 as adequate security for this Preliminary Injunction.

3 By choosing the process detailed under the December 5, 2022 preliminary injunction and
4 moving forward with the termination of the GSRUOA under that framework, the Defendants
5 have voluntarily elected to proceed with the process outlined in the December 5, 2022 order.

6 On February 6, 2023, the parties entered into a stipulation related to the termination and
7 agreed that the agreement to terminate was consistent with the January 26, 2023 order filed at
8 11:06 a.m. That order provides in pertinent part:

9 Any sale of the GSRUOA units will be conducted in accordance
10 with the Court's December 5, 2022 Order.

11 Based upon the February 6, 2023 stipulation, on February 7, 2023 the Court entered an
12 order approving the stipulation. In compliance with the February 7, 2023 order, the Receiver on
13 February 14, 2023 executed the agreement to terminate and now is the trustee over the property
14 interests previously held by the unit owners and GSRUOA pending approval of the sale.

15 As the Receiver's past due fees have now been paid, within 10 judicial days of this order,
16 the Receiver shall file a written status report related to the status of calculation of the actual
17 historical permissible expenses for Defendants to deduct from the revenue of the Parties units as
18 well as the amount of correct expenses to deduct from ongoing revenue.

19 The Receiver's calculations, payment by Plaintiffs of any shortfall, and return of any
20 excess expenses unilaterally deducted from the Plaintiffs' revenues by Defendants since the
21 appointment of the Receiver may affect one of the accepted valuation methods. Additionally
22 return of the reserve funds related to the recently completed contempt trial may affect another
23 valuation methodology.

24 It is the Court's intention to complete the true up of these calculations and accounts prior
25 to Plaintiffs submitting their appraisals for consideration by the Court as part of the dissolution
26 plan set forth in the December 5, 2022 order.

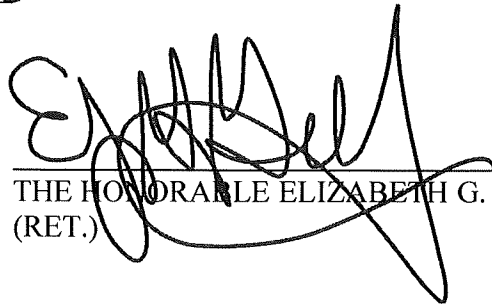
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IT IS SO ORDERED.

DATED this 28th day of November 2023.



THE HONORABLE ELIZABETH G. GONZALEZ
(RET.)

Submitted by:

ROBERTSON, JOHNSON,
MILLER & WILLIAMSON

/s/ Briana N. Collings

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