


CLERK OF THE COURT

Notice

Betty Chan, Broker
Asian American Realty &
Property Management
4651 Spring Mountain Road
Las Vegas, NV 89102
Phone: 702-222-0078
Email: aarpm09@gmail.com

Electronically Filed
Oct 26 2023 10:45 AM
Elizabeth A. Brown
Clerk of Supreme Court

Plaintiffs

IN THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

BETTY CHAN AND ASIAN AMERICAN
REALTY & PROPERTY MANAGEMENT

Case No.: A-16-744109 C
Dept. No.: XX

Plaintiff,

vs.

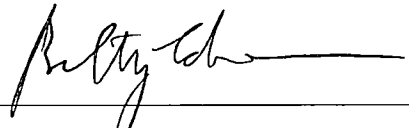
NOTICE OF APPEAL to the Supreme Court

WAYNE WU, JUDITH SULLIVAN.
NEVADA REAL ESTATE CORP, JERRIN
CHIU, KB HOME SALES-NEVADA INC

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Asian American Realty & Property Management and its Broker Betty Chan, plaintiffs, hereby appeal to the Supreme Court of Nevada from the **ORDER GRANTING EX PARTE MOTION TO CONFIRM AND AWARD INTEREST, TO RELEASE REMAINDER OF SUPERSEDEAS BONDS, AND TO CONFIRM THE CONTINUED ACCRUAL OF INTEREST on the 2nd day of October 2023. And Reconsiderations submitted on 9/25/2023 to be heard on November 15 2023.**


Betty Chan, Broker

Asian American Realty & Property Management

Case Appeal Statement

1. Name of Appellant: Betty Chan and Asian American Realty & Property Management

2. Presiding Judge: Honorable Eric Johnson

3. Plaintiff/Appellant: Betty Chan and Asian American Realty & Property Management

Name of Counsel: TBD

Due to former Counsel's unreasonable withdrawal on 7/31/2023, appellant is still vigorously in search of the replacement attorney. Appellant has to submit this appeal notice today so as not to miss the deadline.

4. Defendants/Respondents:

Wayne Wu, Judith Sullivan, Jerrin Chiu. All represented by same Counsel

Name and Address of Respondents' Counsel:

Attorney Michael Olsen/Blackrock Legal LLC

10155 W Twain Ave., #100 Las Vegas, NV 89147

5. Attorney listed in 4 is a licensed Nevada Attorney

6. Appellant is not represented by appointed or retained Counsel in District Court

7. Appellant is actively seeking to retain a Counsel on appeal

8. Appellant is not granted leave to proceed in forma pauperis and has no intention doing so

9. Date of Commencement in District Court: 9/27/2016

10. 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:

Plaintiff filed the reconsideration on 9/25/2023 and is set to be heard on **Nov 15 2023**. Full appeal package will be submitted after the hearing

This subject appeal to the October 2 2023 is one of the reconsideration items filed on 9/25/2023. The Court did not address all the reconsideration filings since 7/31/2023 but ruled on 10/2/2023 ex parte for the Defendants while waiting for Nov 15 hearing.

a) This appeal is about Plaintiff's civil right for due process and

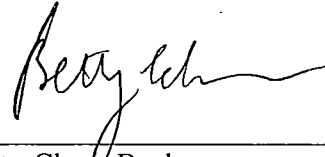
b) The Defendants' attorney secretly, *without Court's approval*, named a third unaccountable party as for the judgement party who was not named as a party on the initial Arbitration Agreement executed on 7/25/2017 between Betty Chan, Broker of Asian American Realty & Property Management and the above-named defendants. That Arbitration agreement has been the basis of the whole suit since day 1. Defendants' attorney has been using that as his main weapon to get all his attorney fees granted.

1 11. This Case has not previously been the subject of an appeal to or original writ proceeding in
2 the Supreme Court. However, this case was appealed before on an issue different from this
3 one.

4 12. This Appeal does not involve child custody or visitation

5 13. This is a civil case and the appeal does not involve the possibility of settlement.

6 Dated this 23rd date of October, 2023

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9 Betty Chan, Broker
10 Asian American Realty & Property Management
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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

BETTY CHAN; ASIAN AMERICAN REALTY &
PROPERTY MANAGEMENT,

Plaintiff(s),

vs.

WAYNE WU; JUDITH SULLIVAN; NEVADA
REAL ESTATE CORP.; JERRIN CHIU; KB
HOME SALES-NEVADA, INC.,

Defendant(s),

Case No: A-16-744109-C

Dept No: XX

CASE APPEAL STATEMENT

1. Appellant(s): Betty Chan; Asian American Realty & Property Management

2. Judge: Eric Johnson

3. Appellant(s): Betty Chan,;Asian American Realty & Property Management

Counsel:

Betty Chan; Asian American Realty &
Property Management
4651 Spring Mountain Rd.
Las Vegas, NV 89102

4. Respondent (s): Wayne Wu; Judith Sullivan; Nevada Real Estate Corp.; Jerrin Chiu

Counsel:

1 Micahel A. Olsen, Esq.
2 10155 W. Twain Ave., Ste. 100
3 Las Vegas, NV 8914

4 Respondent (s): KB Homes Sales-Nevada, Inc.

5 Counsel:

6 Janice M. Michaels, Esq.
7 7674 W. Lake Mead Blvd., Ste. 150
8 Las Vegas, NV 89128

9 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
10 Permission Granted: N/A

11 Respondent(s)'s Attorney Licensed in Nevada: Yes
12 Permission Granted: N/A

13 Respondent(s)'s Attorney Licensed in Nevada: Yes
14 Permission Granted: N/A

15 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

16 7. Appellant Represented by Appointed Counsel On Appeal: N/A

17 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
18 **Expires 1 year from date filed
19 Appellant Filed Application to Proceed in Forma Pauperis: No
20 Date Application(s) filed: N/A

21 9. Date Commenced in District Court: September 27, 2016

22 10. Brief Description of the Nature of the Action: Construction Defect

23 Type of Judgment or Order Being Appealed: Judgment

24 11. Previous Appeal: Yes

25 Supreme Court Docket Number(s): 78666, 82208

26 12. Child Custody or Visitation: N/A

27 13. Possibility of Settlement: Unknown

28 Dated This 24 day of October 2023.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum

Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Betty Chan; Asian American Realty & Property Management

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-744109-C

Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

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Location: **Department 20**
 Judicial Officer: **Johnson, Eric**
 Filed on: **09/27/2016**
 Case Number History:
 Cross-Reference Case Number: **A744109**
 Supreme Court No.: **78666**
82208

CASE INFORMATION

Statistical Closures
 08/09/2021 Summary Judgment

Case Type: **Other Contract**
 Case Status: **08/09/2021 Closed**

DATE

CASE ASSIGNMENT












Current Case Assignment

Case Number A-16-744109-C
 Court Department 20
 Date Assigned 07/02/2018
 Judicial Officer Johnson, Eric

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Asian American Realty & Property Management	Frizell, R Duane <i>Retained</i> 702-657-6000(W)
	Chan, Betty	Pro Se
Defendant	Chiu, Jerrin	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
	KB Home Sales-Nevada Inc	Michaels, Janice M <i>Retained</i> 702-251-4100(W)
	Nevada Real Estate Corp	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
	Sullivan, Judith	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
	Wu, Wayne	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
Counter Claimant	Chiu, Jerrin	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
	Nevada Real Estate Corp	Olsen, Michael A. <i>Retained</i> 702-855-5658(W)
	Sullivan, Judith	Olsen, Michael A.

CASE SUMMARY**CASE NO. A-16-744109-C***Retained*
702-855-5658(W)**Wu, Wayne****Olsen, Michael A.**
Retained
702-855-5658(W)**Counter
Defendant****Chan, Betty****Pro Se**

DATE	EVENTS & ORDERS OF THE COURT	INDEX
<u>EVENTS</u>		
09/27/2016	 Complaint Filed By: Counter Defendant Chan, Betty <i>[1] Complaint</i>	
11/15/2016	 Amended Complaint Filed By: Counter Defendant Chan, Betty <i>[2] Amended Complaint</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>[3] Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>[4] Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>[5] Affidavit of Service</i>	
11/21/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>[6] Affidavit of Service</i>	
12/01/2016	 Affidavit of Service Filed By: Counter Defendant Chan, Betty <i>[7] Affidavit of Service</i>	
12/06/2016	 Answer and Counterclaim Filed By: Counter Claimant Wu, Wayne <i>[8] Answer and Counterclaim</i>	
12/06/2016	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Wu, Wayne <i>[9] Initial Appearance Fee Disclosure</i>	
12/07/2016	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[10] Certificate of Service</i>	
12/19/2016	 Reply to Counterclaim Filed by: Counter Defendant Chan, Betty <i>[11] Reply to Counterclaim</i>	

CASE SUMMARY

CASE NO. A-16-744109-C

01/06/2017	 Motion to Amend Filed By: Counter Defendant Chan, Betty <i>[12] Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record</i>
01/10/2017	 Stipulation Filed by: Counter Defendant Chan, Betty <i>[13] Stipulation to Continue Early Case Conference</i>
01/10/2017	 Notice of Non Opposition Filed By: Counter Claimant Wu, Wayne <i>[14] Notice of Non-Opposition to Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim From the Record</i>
01/11/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[15] Certificate of Service</i>
01/13/2017	 Motion to Stay Filed By: Counter Defendant Chan, Betty <i>[16] Motion for Stay Pending Arbitration</i>
01/23/2017	 Motion to Withdraw As Counsel Filed By: Counter Defendant Chan, Betty <i>[17] Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management</i>
02/02/2017	 Opposition Filed By: Counter Claimant Wu, Wayne <i>[18] Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i>
02/03/2017	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Wu, Wayne <i>[20] Initial Appearance Fee Disclosure</i>
02/06/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[19] Certificate of Service</i>
02/07/2017	 Supplemental Filed by: Counter Claimant Wu, Wayne <i>[22] Supplement to Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i>
02/07/2017	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[21] Certificate of Service</i>
02/09/2017	 Order Filed By: Counter Defendant Chan, Betty <i>[23] Order to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record.</i>
02/10/2017	


CASE SUMMARY

CASE NO. A-16-744109-C

	 Amended Filed By: Counter Defendant Chan, Betty <i>[24] Amended Reply to Counterclaim</i>
02/14/2017	 Reply to Opposition Filed by: Counter Defendant Chan, Betty <i>[25] Plaintiffs Reply to Opposition to Motion to Stay Pending Arbitration and Opposition to Defendants Coutermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment</i>
02/16/2017	 Stipulation and Order Filed by: Counter Defendant Chan, Betty <i>[26] Stipulation and Order to Continue Hearing</i>
02/28/2017	 Notice of Hearing Filed By: Counter Defendant Chan, Betty <i>[27] Notice of Hearing on Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management</i>
03/30/2017	 Order Filed By: Counter Defendant Chan, Betty <i>[28] Order Granting Motion to Stay and Denying Motion to Dismiss and Motion for Summary Judgment</i>
04/03/2017	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty <i>[29] Notice of Entry of Order Granting Motion to Stay and Denying Motion for Summary Judgment</i>
04/17/2017	 Order Granting Motion Filed By: Counter Defendant Chan, Betty <i>[30] Order Granting Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty & Property Management</i>
05/04/2017	 Notice of Appearance Party: Counter Defendant Chan, Betty <i>[31] Notice of Appearance</i>
05/09/2017	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[32] Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Plaintiffs</i>
07/02/2018	Case Reassigned to Department 20 <i>Reassigned From Judge Leavitt - Dept 12</i>
07/18/2018	 Motion to Vacate Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[33] MOTION TO VACATE OR MODIFY ARBITRATION AWARD</i>
08/06/2018	 Opposition and Countermotion Filed By: Counter Claimant Wu, Wayne <i>[34] Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees</i>
08/07/2018	 Initial Appearance Fee Disclosure <i>[35] Initial Appearance Fee Disclosure</i>
08/15/2018	

CASE SUMMARY

CASE NO. A-16-744109-C

	 Reply in Support Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[36] Reply In Support Of Motion to Vacate or Modify Arbitration Award and Opposition to Countermotions</i>
08/21/2018	 Change of Address Filed By: Defendant KB Home Sales-Nevada Inc <i>[37] Change of Address of Attorneys for Defendant KB Home Sales - Nevada, Inc.</i>
09/05/2018	 Supplement Filed by: Counter Claimant Wu, Wayne <i>[38] First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorne Fees</i>
09/12/2018	 Supplement Filed by: Counter Claimant Wu, Wayne <i>[39] Supplement to First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees</i>
09/18/2018	 Order Filed By: Counter Claimant Wu, Wayne <i>[40] Order Denying Motion to Vacate or Modify Arbitration Award</i>
09/18/2018	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>[41] Notice of Entry of Order</i>
09/20/2018	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[42] Certificate of Service</i>
09/21/2018	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[43] Certificate of Service</i>
09/25/2018	 Declaration Filed By: Counter Claimant Wu, Wayne <i>[44] Declaration of Service</i>
10/04/2018	 Stipulation and Order Filed by: Counter Defendant Chan, Betty <i>[45] Stipulation and Order Extending Briefing and Continuing Hearing</i>
10/09/2018	 Substitution of Attorney Filed by: Counter Defendant Chan, Betty <i>[46] Substitution of Attorneys</i>
10/12/2018	 Motion to Extend Party: Counter Defendant Chan, Betty <i>[47] Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date</i>
10/15/2018	 Notice of Entry Filed By: Counter Defendant Chan, Betty <i>[48] Notice of Entry of Order on Shortening Time</i>














CASE SUMMARY

CASE NO. A-16-744109-C

10/15/2018	 Opposition <i>[49] Opposition to Motion to Extend Briefing on Order Shortening Time and Continue Hearing</i>
10/25/2018	 Supplement Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[50] Plaintiffs/Counterdefendants Betty Chan and Asia American Realty & Property Management's Supplement to Plaintiff Opposition Defendants/Counterclaimants Wayne Wu, Judicity Sullivan, Nevada Real Estate Corp., Jerrin Chiu, KB Home Sales-Nevada, Inc.'s: (1) First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees (filed 09/15/18); and (2) Supplement to First Supplement to Countermotion to Recognize Wu as the Procuring Cause for Summary Judgment, and for Attorneys Fees (filed)9/12/18)</i>
10/29/2018	 Reply <i>[52] Reply to Plaintiffs Supplement</i>
10/30/2018	 Certificate of Service Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[51] Certificate of Service</i>
10/31/2018	 Memorandum of Costs and Disbursements Filed By: Counter Claimant Wu, Wayne <i>[53] Memorandum of Costs and Disbursements</i>
11/14/2018	 Transcript of Proceedings <i>[54] Defendants and Counterclaimants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp. and Jerrin Chiu's Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment and for Attorney Fees, October 31, 2018</i>
12/31/2018	 Transcript of Proceedings <i>[55] All Pending Motions, August 22, 2018</i>
01/03/2019	 Motion to Withdraw As Counsel Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[56] Motion to Withdraw As Counsel of Record</i>
01/25/2019	 Recorders Transcript of Hearing <i>[57] Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date, October 17, 2018</i>
01/29/2019	 Notice of Change of Firm Name Filed By: Counter Claimant Wu, Wayne <i>[58] Notice of Change and Firm Name</i>
02/19/2019	 Motion <i>[59] Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw and New Motion to Get a New Court Hearing Date</i>
03/08/2019	 Opposition to Motion <i>[60] Gentile Cristalli Miller Armeni & Savarese's Opposition to Betty Chan and Asian American Realty and Property Management's Motion to Reconsider Order Granting Motion to Withdraw and Late Filed Opposition to Motion to Withdraw</i>
03/21/2019	 Order Granting Motion <i>[61] Order Granting Motion to Withdraw As Counsel of Record</i>
03/21/2019	 Notice of Entry of Order <i>[62] Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record</i>

CASE SUMMARY

CASE NO. A-16-744109-C

03/22/2019	 Order Filed By: Counter Claimant Wu, Wayne <i>[63] Order Granting Defendants Countermotion for Summary Judgment and Attorneys Fees and Costs</i>
03/22/2019	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>[64] Notice of Entry of Order</i>
03/25/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[65] Certificate of Service</i>
03/27/2019	 Ex Parte Order Filed By: Counter Claimant Wu, Wayne <i>[66] Ex Parte Motion for an Order Shortening Time</i>
03/27/2019	 Motion for Writ of Attachment Filed By: Counter Claimant Wu, Wayne <i>[67] Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel</i>
03/28/2019	 Motion for Writ of Attachment Filed By: Counter Claimant Wu, Wayne <i>[68] Motion for Writ of Execution on Plaintiffs Commissions Awarded by GLVAR Arbitration Panel</i>
04/01/2019	 Response Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[69] Response to Attorney Janiece Marshall's opposition and request additional time to locate another attorney replacemei</i>
04/01/2019	 Motion Filed By: Counter Defendant Chan, Betty <i>[70] Motion to vacate entry of order or Motion for extension of time to file reconsideration to the entry of order granting Defendant countermotion</i>
04/04/2019	 Ex Parte Motion Filed By: Counter Claimant Wu, Wayne <i>[71] Ex Parte Motion for an Order Shortenining Time</i>
04/04/2019	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>[72] Notice of Entry of Order</i>
04/05/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[73] Certificate of Service</i>
04/07/2019	 Opposition Filed By: Counter Defendant Chan, Betty <i>[74] motion to oppose Motion for writ of execution on Plaintiff's Commission awarded by GLVAR Arbitration Panel</i>
04/08/2019	 Motion Filed By: Counter Defendant Chan, Betty <i>[75] Motion to Vacate notice of Entry of Order Granting Shortening Time</i>

CASE SUMMARY

CASE NO. A-16-744109-C

04/14/2019	 Supplement Filed by: Counter Defendant Chan, Betty <i>[76] Supplemental to Plaintiffs' Opposition to Writ of Execution Filed on 4/7/2019</i>
04/15/2019	 Supplement Filed by: Counter Defendant Chan, Betty <i>[77] Supplemental Attachment to plaintiffs's motion filed on 4/1/2019 for reconsideration</i>
04/22/2019	 Notice of Appeal Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[78] Notice of Appeal</i>
04/22/2019	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[79] Case Appeal Statement</i>
04/24/2019	 Notice of Appearance Party: Counter Defendant Chan, Betty <i>[80] Notice of Appearance</i>
04/24/2019	 Motion for Stay of Execution Filed By: Counter Defendant Chan, Betty <i>[81] Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
04/25/2019	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[82] Case Appeal Statement</i>
04/25/2019	 Writ Electronically Issued <i>[83] Writ of Execution</i>
04/26/2019	 Notice of Motion <i>[84] Notice of Motion; Order Shortening Time; Stay of Execution</i>
04/26/2019	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[85] NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF EXECUTION</i>
04/26/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[86] Certificate of Service</i>
04/29/2019	 Opposition <i>[87] Partial Opposition to Plaintiff's Motion to Stay Execution</i>
04/29/2019	 Notice <i>[88] Notice of Production of Documents in camera</i>
05/01/2019	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[89] Certificate of Service</i>
05/01/2019	 Transcript of Proceedings

CASE SUMMARY

CASE NO. A-16-744109-C

[90] Defendant's Motion For Writ of Execution, April 17, 2019

05/01/2019



Order

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management

[91] ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL

05/01/2019



Notice of Entry of Order

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management

[92] NOTICE OF ENTRY OF ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL

05/03/2019



Order

[93] Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw

05/03/2019



Miscellaneous Filing

Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management

[94] Transcript Request Statement

05/06/2019



Notice of Entry of Order

[95] Notice of Entry of Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw

05/07/2019



Notice of Posting

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management

[96] PLAINTIFFS NOTICE OF POSTING SUPERSEDEAS BOND

12/11/2019



Notice of Hearing

[97] Notice of Hearing

01/07/2020



Motion

Filed By: Counter Defendant Chan, Betty

[98] Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)

01/08/2020



Clerk's Notice of Hearing

[99] Notice of Hearing

01/10/2020



Order Shortening Time

Filed By: Counter Defendant Chan, Betty

[100] Notice of Motion; Order Shortening Time

01/16/2020



Opposition and Countermotion

Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin; Defendant KB Home Sales-Nevada Inc

[101] Opposition to Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time) and Countermotion for Summary Judgment on Abuse of Process Claim

01/16/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin

[102] Certificate of Service

01/22/2020



Reply in Support

Filed By: Counter Defendant Chan, Betty

[103] Plaintiffs Reply in Support of Their Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment

CASE SUMMARY














CASE NO. A-16-744109-C

as Final and Opposition to Countermotion for Summary Judgment on Abuse of Process Claim

03/10/2020	 Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[104] Order on Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final and Countermotion for Summary Judgment on Abuse of Process Claim</i>
03/10/2020	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[105] NOTICE OF ENTRY OF ORDER ON PLAINTIFFS MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM</i>
04/06/2020	 Amended Notice of Appeal Party: Counter Defendant Chan, Betty <i>[106] Plaintiffs Amended Notice of Appeal</i>
05/29/2020	 Notice of Change of Hearing <i>[107] Notice of Change of Hearing</i>
06/04/2020	 Motion for Summary Judgment Filed By: Counter Claimant Wu, Wayne <i>[108] Motion for Summary Judgment, or in the alternative, for Award of Attorney s Fees, for Writ of Execution for on Plaintiff s Commissions Awarded by GLVAR Arbitration Pane land Release of Bond Deposited on Appeal</i>
06/04/2020	 Clerk's Notice of Hearing <i>[109] Notice of Hearing</i>
06/05/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[110] Certificate of Service</i>
06/09/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[111] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
06/25/2020	 Motion to Strike Filed By: Counter Defendant Chan, Betty <i>[112] Plaintiffs' Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendants' Motion f Summary Judgment (First Request) (On an Ex Parte Application for an Order Shortening Time)</i>
06/26/2020	 Clerk's Notice of Hearing <i>[113] Notice of Hearing</i>
06/26/2020	 Order Shortening Time Filed By: Counter Defendant Chan, Betty <i>[114] NOTICE OF MOTION; ORDER SHORTENING TIME</i>
06/29/2020	 Opposition <i>[115] Opposition to Motion to Strike</i>
07/08/2020	 Opposition and Countermotion Filed By: Counter Defendant Chan, Betty <i>[116] Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Countermotion for Summary Judgment on Defendants' Abuse-Of-Process Counterclaim</i>

CASE SUMMARY

CASE NO. A-16-744109-C

07/13/2020	 Reply in Support Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[117] Reply in support of Motion for Summary Judgment or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Opposition to Countermotion for Summary Judgment on Defendant's Abuse of Process Counterclaim</i>
07/15/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[118] Certificate of Service</i>
07/17/2020	 Notice of Change of Hearing <i>[119] Notice of Change of Hearing</i>
08/11/2020	 Memorandum <i>[120] Memorandum for Production of Invoices</i>
08/12/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[121] Certificate of Service</i>
08/12/2020	 Notice Filed By: Counter Claimant Wu, Wayne <i>[122] Notice of Production of Document for In Camera Review</i>
08/13/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[123] Certificate of Service</i>
09/02/2020	 Transcript of Proceedings <i>[124] Transcript of Hearing: Motion to Stay Execution on Order Shortening Time Partial Opposition to Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time) and Demand for Supersedeas Bond and Countermotion to Amend Order, May 1, 2019</i>
09/02/2020	 Transcript of Proceedings <i>[125] Transcript of Hearing: All Pending Motions, January 22, 2020</i>
09/02/2020	 Transcript of Proceedings <i>[126] Transcript of Hearing: Plaintiff's Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendant's Motion for Summary Judgment, June 30, 2020</i>
09/02/2020	 Transcript of Proceedings <i>[127] Transcript of Hearing: All Pending Motions, July 21, 2020</i>
09/09/2020	 Opposition and Countermotion Filed By: Counter Defendant Chan, Betty <i>[128] Plaintiff's Opposition to Defendants Memorandum for Production of Invoices for Attorney's Fees and Costs And Countermotion to Have Defendants Invoices Filed and Made Part of the Public Record</i>
09/10/2020	 Reply in Support Filed By: Counter Claimant Wu, Wayne <i>[129] Reply in support of Memorandum for Fees</i>















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09/11/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[130] Certificate of Service</i>
10/09/2020	 Recorders Transcript of Hearing <i>[132] Recorder's Transcript of Hearing: Plaintiff's Opposition to Defendant's Memorandum for Production of Invoices for Attorney's Fees and Costs and Countermotion to have Defendant's invoices Filed and Made Part of the Public Record; Status Check: Attorney's Fees and Costs, September 30, 2020</i>
11/23/2020	 Order <i>[133] Order Granting in Part Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel, and Release of Bond Deposited on Appeal and Order Granting Plaintiffs' Countermotion for Summary Judgment</i>
11/23/2020	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne <i>[134] Notice of Entry of Order</i>
11/24/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[135] Certificate of Service</i>
11/24/2020	 Motion for Stay of Execution Filed By: Counter Defendant Chan, Betty <i>[136] Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
11/30/2020	 Clerk's Notice of Hearing <i>[137] Notice of Hearing</i>
12/04/2020	 Order <i>[138] Notice of Motion; Order Shortening Time; Stay of Execution</i>
12/04/2020	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty <i>[139] NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF EXECUTION</i>
12/08/2020	 Objection <i>[140] Objection to Plaintiffs' Motion to Stay Execution Pending Appeal</i>
12/08/2020	 Notice of Appeal Filed By: Counter Defendant Chan, Betty <i>[141] PLAINTIFFS NOTICE OF APPEAL</i>
12/08/2020	 Case Appeal Statement Filed By: Counter Defendant Chan, Betty <i>[142] PLAINTIFFS CASE APPEAL STATEMENT</i>
12/08/2020	 Amended Notice of Appeal Party: Counter Defendant Chan, Betty <i>[143] PLAINTIFFS AMENDED NOTICE OF APPEAL</i>
12/22/2020	 Notice of Appeal Filed By: Counter Claimant Wu, Wayne <i>[144] Notice of Cross Appeal</i>

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12/22/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[145] Certificate of Service</i>
01/14/2021	 Order Granting Motion Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[146] Order on Plaintiffs' Motion to Stay Execution Pending Appeal</i>
02/01/2021	 Notice of Posting Filed By: Counter Defendant Chan, Betty <i>[147] PLAINTIFFS NOTICE OF POSTING SUPERSEDEAS BOND</i>
02/01/2021	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty <i>[148] NOTICE OF ENTRY OF ORDER ON PLAINTIFF S MOTION TO STAY EXECUTION PENDING APPEAL</i>
02/01/2021	 Recorders Transcript of Hearing <i>[149] Recorder's Transcript of Hearing: Status Check: Order, October 28, 2020</i>
02/01/2021	 Recorders Transcript of Hearing <i>[150] Recorder's Transcript of Hearing: Order/Case Status, November 18, 2020</i>
02/01/2021	 Recorders Transcript of Hearing <i>[151] Recorder's Transcript Re: Plaintiffs' Motion to Stay Execution Pending Appeal (On an Ex Parte Application for an Order Shortening Time), December 9, 2020</i>
02/05/2021	 Notice Filed By: Counter Claimant Wu, Wayne <i>[152] Notice for Request of Transcript for Proceedings</i>
02/05/2021	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[153] Certificate of Service</i>
08/05/2021	 Certificate of Service <i>[154] Certificate of Service</i>
08/09/2021	 Order to Statistically Close Case <i>[155] Civil Order to Statistically Close Case</i>
11/29/2022	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[156] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>
01/26/2023	 Motion Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[157] Defendants' Motion for Attorneys' Fees and Costs</i>
01/26/2023	 Notice Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[158] Notice of Production of Document for in Camera Review</i>

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01/28/2023	 Clerk's Notice of Hearing Party: Counter Claimant Wu, Wayne <i>[159] Notice of Hearing</i>
01/30/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[160] Certificate of Service</i>
02/14/2023	 Opposition to Motion Filed By: Counter Defendant Chan, Betty <i>[161] PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION FOR ATTORNEYS FEES AND COSTS</i>
02/22/2023	 Reply Filed by: Counter Claimant Wu, Wayne <i>[162] REPLY IN SUPPORT OF MOTION FOR ATTORNEYS FEES AND COSTS</i>
02/22/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[163] Certificate of Service</i>
02/27/2023	 Motion for Order Extending Time Filed by: Counter Defendant Chan, Betty <i>[164] Plaintiffs' Motion For Order To Extend Time To File Opposition To Defendants' Motion For Attorneys' Fees And Costs For Five (5) Days And To Accept The Filing Of Said Opposition They Made On February 14, 2023 (First Extension Request) (On An Ex Parte Application For An Order Shortening Time)</i>
02/27/2023	 Clerk's Notice of Hearing <i>[165] Notice of Hearing</i>
03/01/2023	 Opposition to Motion Filed By: Counter Defendant Chan, Betty <i>[166] Plaintiffs Supplementary Opposition to Defendants' Motion for Attorneys' Fees and Costs</i>
03/14/2023	 Order <i>[167] Order Granting Request To Release Bonds</i>
03/14/2023	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith <i>[168] Notice of Entry of Order</i>
03/15/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne <i>[169] Certificate of Service</i>
07/17/2023	 Order <i>[170] Order Re: Defendants' Motion for Attorney's Fees and Costs</i>
07/17/2023	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[171] Notice of Entry of Order</i>
07/18/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin













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	<i>[172] Certificate of Service</i>
07/31/2023	 Notice of Withdrawal of Attorney Filed by: Counter Defendant Chan, Betty <i>[173] Notice of Withdrawal of Attorney for Plaintiffs/Counter-Defendants</i>
07/31/2023	 Motion to Reconsider Filed By: Plaintiff Asian American Realty & Property Management <i>[174] Motion to Request for Reconsideration</i>
08/11/2023	 Clerk's Notice of Hearing <i>[175] Notice of Hearing</i>
08/14/2023	 Notice of Change of Hearing <i>[176] Notice of Change of Hearing</i>
08/14/2023	 Opposition <i>[177] Objection to Plaintiffs/Counter-Defendants' Motion to Request for Reconsideration and Countermotion for Award of Attorney's Fees and Finding That Betty is a Vexatious Litigant</i>
08/15/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith <i>[178] Certificate of Service</i>
08/30/2023	 Ex Parte Motion Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[179] Ex Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds, and to Confirm the Continued Accrual of Interest</i>
08/31/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[180] Certificate of Service</i>
09/06/2023	 Notice of Attorney Lien Filed By: Counter Defendant Chan, Betty <i>[181] NOTICE AND CLAIM OF ATTORNEYS LIEN PURSUANT TO NRS 18.015(1)(a)-(b)</i>
09/11/2023	 Motion Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[182] Request for extension of time to file motion for reconsideration and Toll deadlines</i>
09/11/2023	 Notice Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[183] Notice of Cease and Desist</i>
09/20/2023	 Declaration Filed By: Counter Claimant Wu, Wayne <i>[184] Declaration of Michael A. Olsen, Esq. and Brunzell Analysis in Support of Award of Attorney's Fees and Costs</i>
09/20/2023	 Notice Filed By: Counter Claimant Wu, Wayne <i>[185] Notice of Production of Documents for in Camera Review</i>
09/20/2023	


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	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[186] Certificate of Service</i>
09/25/2023	 Motion Filed By: Plaintiff Asian American Realty & Property Management <i>[187] 1) Plaintiffs', a NV S Corporation, Motions for Reconsideration of Judge's Minute Order Dated 9/15/2023 in Relation to Plaintiff's Motion of Reconsideration Filed on 7/31/2023 and Another Motion Filed on 9/11/2023 to Request of Extension of Time to File Motion for Reconsideration and Motion to Toll Deadlines to Respond to Defendant's Motions 2) Objection to Defendant's Order Granting Ex-Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds, and to Confirm the Accrual of Interest. 3) Motion to Ask for Production of All Defendants' Documents Submitted in Camera</i>
09/26/2023	 Clerk's Notice of Hearing <i>[188] Notice of Hearing</i>
10/02/2023	 Motion Filed By: Plaintiff Asian American Realty & Property Management <i>[189] Plaintiff's Motion for Continuance for 11/1/2023 hearing and Motion for Production of all Documents Submitted in Camera By the Defendants</i>
10/02/2023	 Clerk's Notice of Hearing Party: Counter Defendant Chan, Betty <i>[190] Notice of Hearing</i>
10/02/2023	 Order Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[191] Order Granting Ex Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds and to Confirm the Continued Accrual of Interest</i>
10/02/2023	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[192] Notice of Entry of Order</i>
10/03/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[193] Certificate of Service</i>
10/09/2023	 Objection Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[194] Objection to Plaintiffs' Motion for Reconsideration of Minute Order</i>
10/16/2023	 Reply Filed by: Plaintiff Asian American Realty & Property Management <i>[195] Reply to Defendant's Objection to Plaintiff's Reconsideration Filing On 9/25/2023; Supplemental Motion to 9/25/2023 Filing to Set Aside All Judgements Pending Court's Certification on Proper Party For All Judgments; Reconsideration of Order Granting Ex Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bond, and to Confirm the Continued Accrual of Interest</i>
10/23/2023	 Notice of Appeal Filed By: Counter Defendant Chan, Betty <i>[196] Notice of Appeal</i>
10/23/2023	 Summons Issued <i>[197] Summons</i>

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10/24/2023  Case Appeal Statement
[198] Case Appeal Statement

DISPOSITIONS

03/22/2019 **Summary Judgment** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
Judgment: 03/22/2019, Docketed: 03/22/2019

03/22/2019 **Order** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
Judgment: 03/22/2019, Docketed: 03/22/2019
Total Judgment: 22,355.83

06/09/2020 **Clerk's Certificate** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
KB Home Sales-Nevada Inc (Defendant)
Judgment: 06/09/2020, Docketed: 06/16/2020
Comment: Supreme Court No 78666 - Appeal Dismissed


11/23/2020 **Summary Judgment** (Judicial Officer: Johnson, Eric)
Debtors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
Creditors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Judgment: 11/23/2020, Docketed: 11/24/2020

11/23/2020 **Order** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
Judgment: 11/23/2020, Docketed: 11/24/2020
Total Judgment: 35,630.00

07/17/2023 **Judgment for Attorney's Fees** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
Creditors: Wayne Wu (Defendant), Judith Sullivan (Defendant), Nevada Real Estate Corp (Defendant), Jerrin Chiu (Defendant)
KB Home Sales-Nevada Inc (Defendant)
Judgment: 07/17/2023, Docketed: 07/18/2023
Total Judgment: 51,888.63

10/02/2023 **Judgment for Attorney's Fees** (Judicial Officer: Johnson, Eric)
Debtors: Betty Chan (Counter Defendant, Plaintiff)
Creditors: Wayne Wu (Counter Claimant, Defendant), Judith Sullivan (Counter Claimant, Defendant), Nevada Real Estate Corp (Counter Claimant, Defendant)
Judgment: 10/02/2023, Docketed: 10/03/2023
Total Judgment: 23,057.21

HEARINGS

02/06/2017  **Motion to Amend** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Counterdefendant's Motion to Amend Reply to Counterclaim and to Strike Initial Reply to Counterclaim from the Record
Granted;
Journal Entry Details:
Ms. Higbee not present. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order. CLERK'S NOTE: Ms. Higbee arrived late and was notified by Clerk regarding Court's ruling. Ms. Higbee provided a proposed order for Chambers. /// sj;

02/27/2017 **Motion For Stay** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plaintiffs' Motion for Stay Pending Arbitration

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Granted;

02/27/2017 **Opposition and Countermotion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendants' and Counterclaimants' Opposition to Motion to Stay Pending Arbitration and Countermotion to Dismiss with Prejudice or in the Alternative for Summary Judgment

Denied;

02/27/2017  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

PLAINTIFFS' MOTION FOR STAY PENDING ARBITRATION...DEFENDANTS' AND COUNTERCLAIMANTS' OPPOSITION TO MOTION TO STAY PENDING ARBITRATION AND COUNTERMOTION TO DISMISS WITH PREJUDICE OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT Discussions regarding additional claims to be filed, and additional parties. Ms. Higbee argued the matter should not be dismissed, pending arbitration. Court noted there are parties and claims not addressing arbitration. Discussions as to commission dispute. Mr. Olsen argued as to direct violation of ethical rules, amount having exceeded and approaching \$15,000.00, GLVAR rules, and there having been no contact between buyer and Defendant. Further arguments were made regarding arbitration proceedings, KB Home Sales-Nevada Inc., having been seller of property, and the matter needing to be dismissed with prejudice, or summary judgment needing to be granted. Discussions as to Court having enough evidence for dismissal or to grant summary judgment, opposing counsel not having alleged otherwise, and Jerin Chiu not having had a contractual relationship with Plaintiff. Further arguments by Ms. Higbee as to alleged contact, violation of agreement, reduction of commission having been sought, there being no basis for summary judgment or a dismissal, and determination to be made at time of trial. COURT ORDERED, Motion for stay pending arbitration GRANTED. Ms. Higbee to prepare the order. ;

04/03/2017  **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

The Law Firm of Marquis Aurbach Coffing's Notice of Hearing on Motion to Withdraw as Counsel of Record for Plaintiffs Betty Chan and Asian American Realty and Property Management

MINUTES

Granted;

Journal Entry Details:

COURT ORDERED, Motion GRANTED; counsel for Plaintiffs WITHDRAWN. FURTHER, matter SET for status check. Ms. Sansone to prepare the order, and to also include the status check hearing in the written order. 5/01/17 8:30 A.M. STATUS CHECK: NEW COUNSEL FOR PLAINTIFFS;

SCHEDULED HEARINGS

 **Status Check** (05/01/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: New Counsel For Plaintiffs

05/01/2017  **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: New Counsel For Plaintiffs

Off Calendar;

Journal Entry Details:

Mr. Kennedy advised he did not file a notice yet, however, he is confirming as counsel for Plaintiffs today. Mr. Olsen advises this case was stayed, however, arbitration proceedings have not happened yet. Court stated that is up to Plaintiff. Court advised defense counsel if Plaintiff does not proceed, a motion to stay may be filed. COURT ORDERED, matter OFF CALENDAR. ;

08/22/2018 **Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

Plaintiffs' Motion to Vacate or Modify Arbitration Award

Denied;

08/22/2018  **Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

08/22/2018, 10/31/2018

Defendants and Counterclaimants Wayne Wu, Judith Sullivan, Nevada Real Estate Corp., and Jerrin Chiu's Opposition to Motion to Vacate or Modify Arbitration Award and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees

Matter Continued;

Decision Made;

Journal Entry Details:

Court advised it was not inclined to modify the Arbitration Order. Arguments by Ms. Marshall and Mr. Olsen in support of

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their respective positions. Following lengthy arguments, COURT ORDERED, Motion for Summary Judgment is GRANTED; however, the request for Attorney Fees is UNDER ADVISEMENT. Mr. Olsen to prepare the Order.;


Matter Continued;

Decision Made;

08/22/2018 **Response and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

Plaintiffs' Reply in Support of Motion to Vacate or Modify Arbitration Award and Opposition / Motion to Strike Improper Countermotion

Denied;

08/22/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

AS TO: PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO VACATE OR MODIFY ARBITRATION AND OPPOSITION/MOTION TO STRIKE IMPROPER COUNTERMOTION: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order. DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES: Arguments by Mr. Olsen and Mr. Kennedy in support of their respective positions. Mr. Olsen to supplement the billing records. Following, COURT ORDERED, the following briefing schedule: Mr. Olsen to file supplement as to the Motion for Summary Judgment and attorney fees by 9/5; Mr. Kennedy to reply by 9/19 and matter CONTINUED for argument. PLAINTIFF'S MOTION TO VACATE OR MODIFY ARBITRATION AWARD: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED Motion DENIED. Mr. Olsen to prepare the Order. Mr. Olsen stated in regards to his Motion for Summary Judgment, there still a claim against KB Homes for Breach of Contract. Court directed counsel to talk about this issue. 10/10/18 8:30 AM DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES;


10/17/2018  **Motion** (10:30 AM) (Judicial Officer: Johnson, Eric)

Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date

Denied;

Journal Entry Details:

Upon Court's inquiry, Mr. Cristalli advised he needs a continuance pursuant to the Motion. Objections by Mr. Olsen. Following colloquy, COURT ORDERED, Motion DENIED and ORDERED the following briefing schedule: Mr. Cristalli to file his response by 10/24; Mr. Olsen to file reply by 10/26. Further, future date of 10/31 STANDS.;

11/30/2018  **Minute Order** (11:30 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;


Journal Entry Details:

Plaintiffs' Motion to Vacate or Modify Arbitration Award was filed on July, 18, 2018. Defendants' Opposition and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney's Fees was filed on August 6, 2018. Both matters came on for a hearing before Department XX of the Eighth Judicial District Court, the Honorable Eric Johnson presiding, on August 22, 2018. At that time, Plaintiffs' Motion to Vacate or Modify Arbitration Award was DENIED and Defendant Wu was determined to be the procuring cause. Defendants' Countermotions for Summary Judgment and Attorney's Fees and Costs were continued to October 31, 2018. Defendants' Countermotions for Summary Judgment and for Attorney's Fees came on for hearing on October 31, 2018. At that time, Defendants' Countermotion for Summary Judgment was GRANTED. The Countermotion for Attorney's Fees and Costs was taken UNDER ADVISEMENT. After considering the pleadings and argument of counsel, the Court GRANTS Defendants' Motion for Attorney's Fees and Costs. The Court finds that the contractual provision contained in the Arbitration Agreement signed by both Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and it is necessary for any party to obtain judicial confirmation and enforcement of the award against me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement." The Court further finds that provision was reasonable and enforceable. As costs were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to Defendants' Memorandum of Costs and Disbursements. The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The Court finds this amount is reasonable and actually incurred by Defendants in enforcing the arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and Plaintiffs' filing of motion to vacate award, starting on July 25, 2018, 2018. The Court declines to award fees requested on the invoices dated December 31, 2016, January 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records prevent the Court from determining if those fees were reasonable and necessary. The Court has reviewed the remaining fee and finds they were reasonable and appropriate for litigating the matter and in keeping with attorney fees for such work in

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Southern Nevada. The Court further finds that the Brunzell factors have been met for the reasons stated in Defendant's motion for attorney fees and exhibits. Counsel for Defendants is directed to prepare a proposed order including finding of facts and conclusions of law, in particular outlining the Brunzell factors and supporting facts included in their motion, and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Law Clerk to notify the parties.;

02/11/2019  **Minute Order** (8:30 AM) (Judicial Officer: Johnson, Eric)


Minute Order - No Hearing Held;

Journal Entry Details:

A Motion to Withdraw as Attorney of Record was filed by Michael V. Cristalli, Esq., & Janiece S. Marshall, Esq., of Gentil Cristalli Miller Armeni Savarese, counsel for the Plaintiff, on January 3, 2019. The matter was subsequently placed on the Calendar of Department XX on February 20, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20 and EDCR 2.23(c) the Court hereby GRANTS the Motion to Withdraw. The Court hereby VACATES the February 20, 2019 hearing. Withdrawing Attorneys are to prepare a proposed order listing all future deadlines and hearing, and submit to chambers for signature. Withdrawing attorneys are also ordered to inform Plaintiff of the withdrawal as well as any future hearing dates. Law Clerk to notify the parties. ;

02/20/2019 **CANCELED Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Johnson, Eric)

Vacated

04/01/2019  **Minute Order** (7:15 AM) (Judicial Officer: Johnson, Eric)

Minute Order Re: Plaintiff's Motion for Reconsideration

Minute Order - No Hearing Held;


Journal Entry Details:

Plaintiffs Betty Chan and Asian American Realty & Property Management filed a Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw on February 19, 2019. The matter was subsequently scheduled for hearing on April 3, 2019. After considering the pleadings and argument of counsel, the Court DENIES Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw. The Court finds that Plaintiffs have not provided "substantially different evidence" or demonstrated that the Court's decision was "clearly erroneous" as required for a motion for reconsideration. Further, the Court finds that there is nothing pending in this litigation. The Court has granted Summary Judgment in favor of Defendants and dealt with all claims pending in this litigation. Therefore, allowing counsel to withdraw at this time does not place Plaintiffs in a materially adverse position. The Court further finds that counsel had good cause for withdrawing from this matter. The Court finds that there was a significant breakdown in both communication and in the attorney-client relationship such that the representation could not continue. Therefore, withdrawal was appropriate in this instance and the Court declines to reconsider its ruling. The Court hereby VACATES the April 3, 2019 hearing. Janiece Marshall, Esq., is directed to prepare a proposed order and submit it to chambers for signature. Law Clerk to notify the parties.;

04/03/2019 **CANCELED Motion For Reconsideration** (8:30 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Law Clerk

Plaintiff's Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw and New Motion to Get a New Court Hearing Date

04/17/2019  **Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

Defendant's Motion for Writ of Execution

Granted;

Journal Entry Details:

Ms. Chan stated she would like to hire an attorney. Court concurred, however, noted she has already had 4 attorneys and she knew this hearing was set for today. Ms. Chan advised she has an appointment tomorrow with an attorney. Mr. Olsen objected to a continuance as this is a stall tactic of Ms. Chan's, that he would request the funds being held by GLVAR be released. Following additional arguments by Ms. Chan, COURT ORDERED, Motion GRANTED and noted it will take effect on April 26, 2019. Court advised Ms. Chan that will give her time to seek counsel to review the Motion. Statements by Plaintiff as to her Motion for Reconsideration. Following statements by Ms. Chan, Court DENIED the Motion as there is no basis for reconsideration. Statements by Mr. Olsen as to additional attorney fees.;

05/01/2019 **Motion to Stay** (8:30 AM) (Judicial Officer: Johnson, Eric)

Motion to Stay Execution on OST

Granted;




05/01/2019 **Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)

Partial Opposition to Plaintiff's Motion to Stay Execution Pending Appeal (On an Ex Parte Application for an Order Shortening Time) and Demand for Supersedeas Bond and Countermotion to Amend Order

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Granted in Part;

- 05/01/2019  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)
Matter Heard;
Journal Entry Details:
MOTION TO STAY EXECUTION ON OST...PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY EXECUTION PENDING APPEAL (ON AN EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME) AND DEMAND FOR SUPERSEDEAS BOND AND COUNTERMOTION TO AMEND ORDER Statements by Mr. Frizell and Mr. Olsen in support of their respective positions. Colloquy as to the posting of a bond. Mr. Olsen argued for 3x's the amount of the Judgment. Opposition by Mr. Frizell. Court noted it is inclined to grant 1 1/2x's the Judgment. Following additional colloquy, Court directed the bond be posted by 5/10. Further, Motion to Stay Execution is GRANTED and Partial Opposition to Plaintiff's Motion is GRANTED-IN-PART. Mr. Frizell provided an Order with the approval of Mr. Olsen that was SIGNED IN OPEN COURT.;
- 01/22/2020 **Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)
Denied;
- 01/22/2020 **Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Opposition to Plaintiff's Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time) and Countermotion for Summary Judgment on Abuse of Process Claim
Granted in Part;
- 01/22/2020  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)
Matter Heard;
Journal Entry Details:
PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME)...OPPOSITION TO PLAINTIFF'S MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME) AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM Conference at the Bench. Court advised it does not believe it has jurisdiction as this case is on appeal. Arguments by Mr. Frizell and Mr. Olsen in support of their respective positions. Following, COURT ORDERED Plaintiff's Motion is DENIED and Defendant's Motion is GRANTED IN PART/ DENIED IN PART. Mr. Frizell to prepare the Order.;
- 06/16/2020 **CANCELED Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated
Status Check: Appeal
- 06/30/2020  **Motion to Strike** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiffs' Motion to Strike or in the Alternative to Extend Briefing and Continue the Hearing on Defendants' Motion for Summary Judgment (First Request) (On an Ex Parte Application for an Order Shortening Time)
on OST
Denied in Part;
Journal Entry Details:
Mr. Frizell appeared by telephone and Mr. Olsen appeared by video via Blue Jeans. Court noted it will deny the Motion to Strike and ORDERED, MOTION DENIED IN PART. Arguments by Mr. Frizell and Mr. Olsen. Following, COURT ORDERED, the following briefing schedule as to the Motion for Summary Judgment: Mr. Frizell to respond by 7/7 Mr. Olsen to reply by 7/13. Further, COURT ORDERED, Motion for Summary Judgment set for 7/7 is CONTINUED. 7/21/20 8:30 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT;
- 07/21/2020 **Motion for Summary Judgment** (11:00 AM) (Judicial Officer: Johnson, Eric)
Defendant's Motion for Summary Judgment, or in the alternative, for Award of Attorney's Fees, for Writ of Execution for or Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal
Granted in Part;
- 07/21/2020 **Opposition and Countermotion** (11:00 AM) (Judicial Officer: Johnson, Eric)
Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, for Contractual Award of Attorney's Fees, for Writ of Execution on Plaintiff's Commissions Awarded by GLVAR Arbitration Panel and Release of Bond Deposited on Appeal and Countermotion for Summary Judgment on Defendants' Abuse-Of-Process Counterclaim

CASE SUMMARY

CASE NO. A-16-744109-C

Granted;

07/21/2020



All Pending Motions (11:00 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION FOR ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIO FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR CONTRACTUAL AWARD OF ATTORNEY'S FEES, FO WRIT OF EXECUTION ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEAS OF BOND DEPOSITED ON APPEAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' ABUSE-OF PROCESS COUNTERCLAIM Court FINDS Ms. Chan represented the worst of litigants, her filing of the complaint was not enough for abuse of process and she had an ethical obligation with the realtor board to attend either arbitration or mediation, which she claims she did. Court noted she may have violated her ethical obligations, however she had a right to file the complaint which appeared was not filed for an ulterior motive. Court FURTHER FINDS, Ms. Chan had the right to appeal, therefore, ORDERED, Defendant's Motion GRANTED as to Summary Judgment, attorney's fees, release of bond and DENIED as to the Writ of Execution. Arguments by Mr. Olsen and Mr. Frizell. Colloquy regarding billing for attorney's fees and costs. COURT FURTHER ORDERED, Plaintiff's Countermotion for Summary Judgment on Defendant's Abuse-of- Process Counterclaim is GRANTED. Following colloquy, counsel agreed to the following dates: Mr Olsen to file Request for Attorney's Costs and Fees on or before: 8/5/20 Mr. Frizell to file any Objection to the Request for Attorney's Costs and Fees on or before: 8/19/20 Mr. Olsen to file any Reply on or before: 8/26/20 At the request of counsel, COURT ORDERED, matter SET for status check. 9/16/20 8:30 AM STATUS CHECK: ATTORNEY'S FEES AND COSTS ;

09/30/2020

Status Check (10:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Attorney's Fees and Costs

Matter Heard;

09/30/2020

Opposition and Countermotion (10:30 AM) (Judicial Officer: Johnson, Eric)

Plaintiffs Opposition to Defendants Memorandum for Production of Invoices for Attorney s Fees and Costs And Countermotion to Have Defendants Invoices Filed and Made Part of the Public Record

Matter Heard;

09/30/2020



All Pending Motions (10:30 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

PLAINTIFFS OPPOSITION TO DEFENDANTS MEMORANDUM FOR PRODUCTION OF INVOICES FOR ATTORNEY FEES AND COSTS AND COUNTERMOTION TO HAVE DEFENDANTS INVOICES FILED AND MADE PART OF THE PUBLIC RECORD ... STATUS CHECK: ATTORNEYS FEES AND COSTS Following arguments by counsel, Court noted tl history of this matter. Further, COURT ORDERED, \$35,630.00 in costs allowed in attorneys fees and costs after the last award in October 2018. COURT STATED FINDINGS. Court noted there is an issue of the invoices be made as part of the record. Mr. Olsen stated he will file the invoices. COURT FURTHER ORDERED, matter SET for Status Check regarding a Final Order being sent to the Court. Mr. Olsen inquired as to the Writ of Attachment and being allowed to collect the full amount instead of leaving \$3,000.00 for Ms. Chan. Mr. Frizzell stated they can file a motion for stay. Court noted the issue of changing the Writ of Execution and stated it does not see an issue in doing that. Court stated this court will allow a Writ of Execution as to all of the funds and this will require a new Writ of Execution. Mr. Olsen stated he will submit a new Writ COURT SO NOTED. At request of Mr. Frizell, COURT ORDERED, leave GRANTED to file a Motion. 10/28/20 10:30 AM STATUS CHECK: ORDER;

10/09/2020



Minute Order (2:39 PM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, the Order Granting Summary Judgement, dated 10/9/20 VACATED and STRICKEN as filed in error, pending presentation of a final order.;

10/28/2020



Status Check (10:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Order

Continued;

Journal Entry Details:

Upon Court's inquiry, Mr. Fritzell stated he received the order but has not reviewed it yet; the order should be submitted within a week. COURT ORDERED, matter CONTINUED. CONTINUED TO: 11/18/20 8:30 AM;

CASE SUMMARY

CASE NO. A-16-744109-C

11/18/2020



Status Check (8:30 AM) (Judicial Officer: Johnson, Eric)

Order/case status

Matter Heard;

Journal Entry Details:

Mr. Routsong stated that the matter was resolved and he submitted an order earlier in the day for the Court's review and signature. Upon inquiry of the Court, Mr. Frizell confirmed that he approved with the order as written. Counsel further stated that they did not need another status check to be set. ;

12/09/2020



Motion to Stay (8:30 AM) (Judicial Officer: Johnson, Eric)

Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application For An Order Shortening Time)

Granted;

Journal Entry Details:

Duane Frizell, Esq. and Michael Olsen, Esq. present via Bluejeans video conference. Arguments by counsel. Following arguments, COURT STATED ITS FINDINGS, ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal (on Ex Par Application For An Order Shortening Time) GRANTED; BOND in the amount of \$33,283.50. Court advised Mr. Frizell to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal VACATED.;

01/06/2021

CANCELED Motion for Stay of Execution (9:00 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Judge

Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)

03/01/2023



Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Johnson, Eric)

Events: 01/26/2023 Motion

Defendants' Motion for Attorneys' Fees and Costs

Granted in Part;

Journal Entry Details:

Appearances made via the BlueJeans Videoconferencing Application: Duane Frizell, Esq. Arguments made by counsel in support of and in opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Attorney Fees and Costs GRANTED IN PART as to Attorney Fees and TAKEN UNDER ADVISEMENT regarding costs. CLERK S NOTE. Minutes prepared from JAVS recording. //-jm 03.31.23;

03/29/2023

CANCELED Motion for Order Extending Time (10:30 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Judge

Plaintiffs' Motion For Order To Extend Time To File Opposition To Defendants' Motion For Attorneys' Fees And Costs For Five (5) Days And To Accept The Filing Of Said Opposition They Made On February 14, 2023 (First Extension Request) (On An Ex Parte Application For An Order Shortening Time)

09/15/2023



Minute Order (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed her Motion to Request for Reconsideration on July 31, 2023. Defendant's filed their Opposition to Plaintiff's Motion on August 14, 2023. The matter was subsequently set for hearing on September 18, 2023. After considering the pleadings and arguments of Counsel, the Court hereby DENIES the Plaintiff's Motion to Request for Reconsideration. First the Plaintiff's filing is an improper filing: as stated by Defense counsel, it was filed as a Request for Reconsideration, but is actually a motion for an extension of time in which to file her Motion for Reconsideration. Further, the Plaintiff has offered no legal authority or circumstances to merit her extension in this case. She states she has parted ways with her attorney and now states she needs more time to analyze her "strategic options." However, Plaintiff has had numerous attorney on this matter and continuous sought to litigate this case since 2016. The rules provide for a party to have 60 days to seek reconsideration. Plaintiff has not provided the Court with a sufficient basis for which to grant her motion for extension of time. As noted, her case started in 2016 and Plaintiff has had ample opportunity to have her case considered in light of her appeals to the Nevada Supreme Court and in her efforts to continue this case since its inception in 2016. At this point in time, the Court denies Plaintiff's motion for extension of time. The Court hereby VACATES the September 18, 2023 hearing Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.


Defendant's filed their Countermotion for Attorney's Fees and to Find Plaintiff, Betty Chan, a vexatious litigant, on August 14, 2023. The matter was subsequently set for hearing on September 18, 2023. No opposition having been filed, and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c), the Court hereby GRANTS IN PART the Defendant's Countermotion. Here, Plaintiff has repeatedly stated her intentions to continue the litigation in order to "teach them a lesson" for making her feel "insulted and humiliated" and for "daring to challenge" her. Defendant's motion is based Plaintiff's ongoing contractual obligation to pay reasonable attorney's fees and costs Defendant has incurred in seeking to

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-744109-C

enforce the arbitration agreement and the fees and costs the Court has awarded. As long as Plaintiff continues to fight Defendant's legal efforts to enforce the arbitration agreement, Defendant can move under the contract for reasonable attorney's fees. In its affirmance of the Court's judgement on appeal, the Nevada Supreme Court confirmed this Court could award such fees under the arbitration agreement "so long as Ms. Chan fights against collection of the original award." Defendant's Motion for Attorney's fees will be granted. Defense counsel is to provide billing information as to their time spent working on defending the Plaintiff's current motion. According to NRCP 11, Peck v. Crouser, 129 Nev. 120, 122, 295 P.3d 586, 587 (Nev. 2013), a vexatious litigant is one that repeatedly files frivolous lawsuits. However, as Plaintiff here has merely filed one single lawsuit, albeit one single lawsuit that has dragged on for a number of years. Therefore, there is insufficient evidence at this time to deem Plaintiff a "vexatious litigant" under the rules and relevant case law. The Court hereby VACATES the September 18, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 9-15-23kkm;

09/18/2023	CANCELED Motion (9:00 AM) (Judicial Officer: Johnson, Eric) Vacated - per Law Clerk Motion for Extension of Time to File a Motion for Reconsideration (Captioned Motion to Request for Reconsideration)
09/18/2023	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer: Johnson, Eric) Vacated - per Law Clerk Objection to Plaintiffs/Counter-Defendants' Motion to Request for Reconsideration and Countermotion for Award of Attorney's Fees and Finding That Betty is a Vexatious Litigant
10/04/2023	 Minute Order (3:00 AM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: Plaintiff, Betty Chan, filed a Motion for Reconsideration on September 25, 2023. The Motion for Reconsideration was subsequently scheduled for hearing on November 1, 2023. The Plaintiff, Betty Chan, then filed a Motion to Continue the Motion for Reconsideration on October 2, 2023. The Motion for Continuation was subsequently scheduled for hearing on November 8, 2023. No opposition has been filed, and opposing counsel agrees to continue the hearing for the Motion for Reconsideration. Thereby, good cause showing, and pursuant to EDCR 2.23(c) the Court hereby GRANTS the Motion to Continue and reschedules the Motion for Reconsideration hearing to be held on November 15, 2023 at 8:30 am. The Court hereby VACATES the hearing for the Motion to Continue on November 8, 2023 and the Court hereby MOVES the Motion for Reconsideration hearing for November 15, 2023 at 8:30 am. ;
11/08/2023	CANCELED Motion (8:30 AM) (Judicial Officer: Johnson, Eric) Vacated - per Law Clerk Plaintiff's Motion for Continuance for 11/1/2023 hearing and Motion for Production of all Documents Submitted in Camera By the Defendants
11/15/2023	Motion For Reconsideration (8:30 AM) (Judicial Officer: Johnson, Eric) Events: 09/25/2023 Motion 1) Plaintiffs', a NV S Corporation, Motions for Reconsideration of Judge's Minute Order Dated 9/15/2023 in Relation to Plaintiff's Motion of Reconsideration Filed on 7/31/2023 and Another Motion Filed on 9/11/2023 to Request of Extension of Time to File Motion for Reconsideration and Motion to Toll Deadlines to Respond to Defendant's Motions 2) Objection to Defendant's Order Granting Ex-Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds, and to Confirm the Accrual of Interest. 3) Motion to Ask for Production of All Defendants' Documents Submitted in Camera

DATE

FINANCIAL INFORMATION

Counter Claimant Chiu, Jerrin	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/24/2023	0.00
Counter Claimant Nevada Real Estate Corp	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/24/2023	0.00
Counter Claimant Sullivan, Judith	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/24/2023	0.00

CASE SUMMARY**CASE NO. A-16-744109-C****Counter Claimant** Wu, Wayne

Total Charges 1,057.00

Total Payments and Credits 1,057.00

Balance Due as of 10/24/2023 0.00**Plaintiff** Asian American Realty & Property Management

Total Charges 30.00

Total Payments and Credits 30.00

Balance Due as of 10/24/2023 0.00**Counter Defendant** Chan, Betty

Total Charges 398.00

Total Payments and Credits 398.00

Balance Due as of 10/24/2023 0.00**Counter Claimant** Wu, Wayne

Appeal Bond Balance as of 10/24/2023 1,000.00

Plaintiff Asian American Realty & Property Management

Supersedeas Bond Balance as of 10/24/2023 0.00

Counter Defendant Chan, Betty

Appeal Bond Balance as of 10/24/2023 500.00

XII

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. _____
(Assigned by Clerk's Office)**I. Party Information** (provide both home and mailing addresses if different)Plaintiff(s) (name/address/phone):
BETTY CHAN and ASIAN AMERICAN REALTY & PROPERTY
MANAGEMENTyAttorney (name/address/phone):
Avece M. Higbee, Esq. (NV Bar No. 3739)
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
(702) 382-0711Defendant(s) (name/address/phone):
WAYNE WU, JUDITH SULLIVAN, NEVADA REAL
ESTATE CORP., JERRIN CHIU, KB HOME SALES –
NEVADA INC., DOES I through X, and ROES I
through X

Attorney (name/address/phone):

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

Real Property	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 type="checkbox"/> Other Real Property	Negligence <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 checked="" type="checkbox"/> Other Tort
Probate 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 & Contract 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 checked="" type="checkbox"/> Other Contract p. m. w	Judicial Review/Appeal 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 <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 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.

9/26/16
Date

Signature of initiating party or representative

Heather S. Sullivan

CLERK OF THE COURT

ORDR

MICHAEL A. OLSEN, ESQ.

Nevada Bar No: 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

SKYLER J. THORNTON, ESQ.

Nevada Bar No. 16331

BLACKROCK LEGAL, LLC

10155 W. Twain Ave., Suite 100

Las Vegas, NV 89147

Telephone (702) 855-5658

Facsimile (702) 869-8243

Attorneys for Defendants/Counterclaimants

Wayne Wu, Judith Sullivan, Nevada Real Estate

Corp. and Jerrin Chiu

**DISTRICT COURT
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN
REALTY & PROPERTY MANAGEMENT,

) Case No: A-16-744109-C

)

) Dept. No: XX

)

Plaintiffs/Counterdefendants,

)

v.

)

WAYNE WU, JUDITH SULLIVAN,
NEVADA REAL ESTATE CORP., JERRIN
CHIU, KB HOME SALES – NEVADA INC.,

)

)

)

)

)

Defendants/Counterclaimants.

)

)

)

)

)

**ORDER GRANTING EX PARTE MOTION TO CONFIRM AND AWARD INTEREST,
TO RELEASE REMAINDER OF SUPERSEDEAS BONDS, AND TO CONFIRM THE
CONTINUED ACCRUAL OF INTEREST**

The Ex Parte *Motion to Confirm and Award Interest, to Release Remainder of
Supersedeas Bonds, and to Confirm the Accrual of Interest* (hereafter “Ex Parte Motion”) filed
by Defendants/Counterclaimants, having been reviewed in chambers, and good cause appearing
therefore the Court issues the following *Order Granting Ex Parte Motion to Confirm and Award*

1 *Interest, to Release Remainder of Supersedeas Bonds, and to Confirm the Continued Accrual of*
2 *Interest.*

3 **FINDINGS OF FACTS**

4
5 1. The Court has made three awards of attorney's fees and costs to Defendants in the
6 history of this case.

7 2. The first award of attorney's fees and costs was ordered by this Court on March 22,
8 2019, and awarded Defendants \$21,435.00 in attorney's fees and \$920.83 in costs (\$22,355.83 in
9 total).

10 3. The second award of attorney's fees and costs was ordered by this Court on November
11 23, 2020, and awarded Defendants \$35,630.00 in attorney's fees and costs.

12 4. The combined amount of principal of the Court's first two awards being \$57,985.83.

13
14 5. The third award of attorney's fees and costs was ordered by this Court on July 17,
15 2023, and awarded the Defendants \$51,588.00 in attorney's fees and \$300.63 in costs
16 (\$51,888.63 in total).

17
18 6. In connection with two appeals made by Plaintiff Betty Chan, this Court ordered her to
19 post two supersedeas bonds. The first, posted on May 3, 2019, was in the amount of \$33,533.75
20 with Notice of the first bond filed on May 7, 2019.

21 7. The second supersedeas bond, connected with Chan's second appeal, was posted on
22 January 29, 2021, in the amount of \$33,283.50. Notice of the second bond was filed on
23 February 1, 2021.

24 8. Combined, the supersedeas bonds amount to \$66,817.25.

25
26 9. On September 15, 2022, the Nevada Supreme Court entered an Order of Affirmance
27 on Plaintiff's second appeal (Case No. 82208), affirming the District Court's first two awards of
28 attorney's fees and costs.

1 10. Accordingly, on March 14, 2023, this Court entered an *Order Granting Request to*
2 *Release Bonds*, ordering the “immediate release of \$59,045.83 of the supersedeas bonds to
3 Counterclaimants in full satisfaction of the principal amounts awarded in the Orders dated March
4 22, 2019 and November 23, 2020.”

5
6 11. Payment of the ordered \$59,045.83 was received into the Blackrock Legal client trust
7 account on March 27, 2023. Thus, the principal amounts of the first two judgments were satisfied
8 in full upon the receipt of the funds into the Blackrock Legal client trust account on March 27,
9 2023.

10
11 12. Although the supersedeas bonds were intended to cover the principal as well as the
12 interest on this Court’s first two judgments, rapidly increasing interest rates in the past years
13 have made this an impossibility. Accordingly, interest exceeding that anticipated by the
14 supersedeas bonds is due.

15 13. The combined total of both supersedeas bonds amounted to \$66,817.25 while only
16 \$59,045.83 was ordered to be released in satisfaction for the principal amounts of the Court’s
17 first two judgments. Thus, \$7,771.42 is left of the supersedeas bonds posted by Chan.

18
19 14. On August 30, 2023, Defendants filed their Ex Parte Motion wherein they requested
20 that the Court (I) confirm and award the Defendants’ calculated interest on the first two
21 judgments, (II) order the release of the remaining \$7,771.42 of the supersedeas bond funds in
22 partial satisfaction of the Defendant’s calculated interest, and (III) confirm Plaintiff Betty Chan’s
23 obligation to pay interest on the Court’s third judgment that continues to accrue interest until
24 fully satisfied.

25
26 15. The Court now grants Defendants’ Ex Parte Motion in full.

27 //
28

CONCLUSIONS OF LAW

I. Interest Accrued on the Court's First Two Judgments

16. NRS 17.130 governs the calculation of interest on judgments.

17. Defendants' calculation of interest on this Court's first judgment is correct.

Accordingly, interest due on this Court's first judgment is \$10,898.47.

18. Defendants' calculation of interest on this Court's second judgment is correct.

Accordingly, interest due on this Court's second judgment is \$12,158.74.

II. Chan is Obligated to Pay Continually Accruing Interest on the Court's Third Judgment

19. Because the Court's third judgment has not yet been satisfied, interest will continue to accrue according to the Defendants' calculations until the judgment is fully satisfied.

20. Plaintiff Betty Chan is under an obligation to pay interest on this Court's third judgment and this obligation will be ongoing so long as the third judgment remains unsatisfied.

21. Defendants' calculation of the interest accruing daily on this Court's third judgment is correct. Accordingly, interest will continue to accrue on this Court's third judgment at a rate of \$5,318.58 per year, or \$14.57 per day.

IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:

a) That Defendants/Counterclaimants' *Ex Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds, and to Confirm Continued Accrual of Interest* is GRANTED.

b) That the Court confirms Defendants' calculation of interest owed on this Court's first two awards of attorney's fees as being \$23,057.21 in total.

c) That the Court awards interest on the Court's first two awards of attorney's fees to Defendants in the amount of \$23,057.21.



1 d) That in partial satisfaction of the \$23,057.21 interest owed to Defendants, the
2 Clerk of the Court will immediately release the remaining supersedeas bond in the amount of
3 \$7,771.42 payable by check to the Blackrock Legal Client Trust Account.

4
5 e) That the Court confirms and orders Chan's payment of the remaining \$15,285.79
6 of interest on the Court's first two awards of attorney's fees.

7 f) That the Court confirms the daily accrual of interest on the Court's third award of
8 attorney's fees to be \$5,318.58 per year, or \$14.57 per day, as calculated by the Defendants. The
9 Court further confirms Plaintiff Betty Chan's ongoing obligation to pay the continually accruing
10 interest on the Court's third judgment until such judgment is satisfied in full.
11

12 Dated September 1st, 2023.

Dated this 2nd day of October, 2023

13
14 A handwritten signature in black ink, appearing to read "Eric Johnson", written over a horizontal line.

15
16 **3C8 FA9 1637 1B4F**
17 **Eric Johnson**
District Court Judge

18 Prepared and submitted by:

19
20 /s/Michael A. Olsen, Esq.
21 MICHAEL A. OLSEN, ESQ.
22 Nevada Bar No. 6076
23 THOMAS R. GROVER, ESQ.
24 Nevada Bar No. 12387
25 SKYLER J. THORNTON, ESQ.
26 Nevada Bar No. 16331
27 **BLACKROCK LEGAL, LLC**
28 *Attorneys for Wayne Wu, Judith Sullivan,*
Nevada Real Estate Corp. and Jerrin Chiu

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Betty Chan, Plaintiff(s)

CASE NO: A-16-744109-C

7 vs.

DEPT. NO. Department 20

8 Wayne Wu, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/2/2023

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19 Michelle N Ledesma .

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Roman@goodsellolsen.com

21 Thomas Grover .

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22 Janiece Marshall

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23 Betty Chan

aarpm09@gmail.com

24 Michael Olsen

mike@blackrocklawyers.com

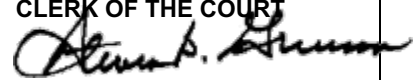
25 R Frizell

dfrizell@frizelllaw.com

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1 **NEOJ**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 SKYLER J. THORNTON, ESQ.
7 Nevada Bar No. 16331
8 **BLACKROCK LEGAL, LLC**
9 10155 W. Twain Ave. Ste. 100
10 Las Vegas, Nevada 89147
11 Tel: (702) 855-5658
12 Fax: (702) 869-8243
13 *Attorneys for Defendants/Counterclaimants*
14 *Wayne Wu, Judith Sullivan, Nevada Real Estate*
15 *Corp. and Jerrin Chiu*

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

11 BETTY CHAN and ASIAN AMERICAN) Case No: A-16-744109-C
12 REALTY & PROPERTY MANAGEMENT,)
13) Dept. No: XX
14 Plaintiffs/Counterdefendants,)
15 v.)
16 WAYNE WU, JUDITH SULLIVAN,)
17 NEVADA REAL ESTATE CORP., JERRIN)
18 CHIU, KB HOME SALES – NEVADA INC.,)
DOES I through X, and ROES I through X)
Defendants/Counterclaimants.)

19 **NOTICE OF ENTRY OF ORDER**

20 PLEASE TAKE NOTICE that the **ORDER GRANTING EX PARTE MOTION TO**
21 **CONFIRM AND AWARD INTEREST, TO RELEASE REMAINDER OF**
22 **SUPERSEDEAS BONDS, AND TO CONFIRM THE CONTINUED ACCRUAL OF**
23 **INTEREST** was entered on the Court's record on the 2nd day of October 2023. A copy of said
24 Order is attached hereto as **Exhibit "1"**.
25 DATED this 2nd day of October 2023.

/s/Michael A. Olsen, Esq,

26 MICHAEL A. OLSEN, ESQ.
27 Nevada Bar No. 6076
28 *Attorney for Defendants/Counterclaimants*
Wayne Wu, Judith Sullivan, Nevada Real Estate
Corp. and Jerrin Chiu



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EXHIBIT “1”

ORDR

MICHAEL A. OLSEN, ESQ.

Nevada Bar No: 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

SKYLER J. THORNTON, ESQ.

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Telephone (702) 855-5658

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Attorneys for Defendants/Counterclaimants

Wayne Wu, Judith Sullivan, Nevada Real Estate

Corp. and Jerrin Chiu

**DISTRICT COURT
CLARK COUNTY, NEVADA**

BETTY CHAN and ASIAN AMERICAN
REALTY & PROPERTY MANAGEMENT,

) Case No: A-16-744109-C

)

) Dept. No: XX

)

Plaintiffs/Counterdefendants,

)

v.

)

WAYNE WU, JUDITH SULLIVAN,
NEVADA REAL ESTATE CORP., JERRIN
CHIU, KB HOME SALES – NEVADA INC.,

)

)

)

)

)

Defendants/Counterclaimants.

)

)

)

)

**ORDER GRANTING EX PARTE MOTION TO CONFIRM AND AWARD INTEREST,
TO RELEASE REMAINDER OF SUPERSEDEAS BONDS, AND TO CONFIRM THE
CONTINUED ACCRUAL OF INTEREST**

The Ex Parte *Motion to Confirm and Award Interest, to Release Remainder of
Supersedeas Bonds, and to Confirm the Accrual of Interest* (hereafter “Ex Parte Motion”) filed
by Defendants/Counterclaimants, having been reviewed in chambers, and good cause appearing
therefore the Court issues the following *Order Granting Ex Parte Motion to Confirm and Award*

1 *Interest, to Release Remainder of Supersedeas Bonds, and to Confirm the Continued Accrual of*
2 *Interest.*

3 **FINDINGS OF FACTS**

4
5 1. The Court has made three awards of attorney's fees and costs to Defendants in the
6 history of this case.

7 2. The first award of attorney's fees and costs was ordered by this Court on March 22,
8 2019, and awarded Defendants \$21,435.00 in attorney's fees and \$920.83 in costs (\$22,355.83 in
9 total).

10 3. The second award of attorney's fees and costs was ordered by this Court on November
11 23, 2020, and awarded Defendants \$35,630.00 in attorney's fees and costs.

12 4. The combined amount of principal of the Court's first two awards being \$57,985.83.

13 5. The third award of attorney's fees and costs was ordered by this Court on July 17,
14 2023, and awarded the Defendants \$51,588.00 in attorney's fees and \$300.63 in costs
15 (\$51,888.63 in total).
16

17 6. In connection with two appeals made by Plaintiff Betty Chan, this Court ordered her to
18 post two supersedeas bonds. The first, posted on May 3, 2019, was in the amount of \$33,533.75
19 with Notice of the first bond filed on May 7, 2019.
20

21 7. The second supersedeas bond, connected with Chan's second appeal, was posted on
22 January 29, 2021, in the amount of \$33,283.50. Notice of the second bond was filed on
23 February 1, 2021.
24

25 8. Combined, the supersedeas bonds amount to \$66,817.25.

26 9. On September 15, 2022, the Nevada Supreme Court entered an Order of Affirmance
27 on Plaintiff's second appeal (Case No. 82208), affirming the District Court's first two awards of
28 attorney's fees and costs.

1 10. Accordingly, on March 14, 2023, this Court entered an *Order Granting Request to*
2 *Release Bonds*, ordering the “immediate release of \$59,045.83 of the supersedeas bonds to
3 Counterclaimants in full satisfaction of the principal amounts awarded in the Orders dated March
4 22, 2019 and November 23, 2020.”

5
6 11. Payment of the ordered \$59,045.83 was received into the Blackrock Legal client trust
7 account on March 27, 2023. Thus, the principal amounts of the first two judgments were satisfied
8 in full upon the receipt of the funds into the Blackrock Legal client trust account on March 27,
9 2023.

10
11 12. Although the supersedeas bonds were intended to cover the principal as well as the
12 interest on this Court’s first two judgments, rapidly increasing interest rates in the past years
13 have made this an impossibility. Accordingly, interest exceeding that anticipated by the
14 supersedeas bonds is due.

15 13. The combined total of both supersedeas bonds amounted to \$66,817.25 while only
16 \$59,045.83 was ordered to be released in satisfaction for the principal amounts of the Court’s
17 first two judgments. Thus, \$7,771.42 is left of the supersedeas bonds posted by Chan.

18
19 14. On August 30, 2023, Defendants filed their Ex Parte Motion wherein they requested
20 that the Court (I) confirm and award the Defendants’ calculated interest on the first two
21 judgments, (II) order the release of the remaining \$7,771.42 of the supersedeas bond funds in
22 partial satisfaction of the Defendant’s calculated interest, and (III) confirm Plaintiff Betty Chan’s
23 obligation to pay interest on the Court’s third judgment that continues to accrue interest until
24 fully satisfied.

25
26 15. The Court now grants Defendants’ Ex Parte Motion in full.

27 //
28

CONCLUSIONS OF LAW

I. Interest Accrued on the Court's First Two Judgments

16. NRS 17.130 governs the calculation of interest on judgments.

17. Defendants' calculation of interest on this Court's first judgment is correct.

Accordingly, interest due on this Court's first judgment is \$10,898.47.

18. Defendants' calculation of interest on this Court's second judgment is correct.

Accordingly, interest due on this Court's second judgment is \$12,158.74.

II. Chan is Obligated to Pay Continually Accruing Interest on the Court's Third Judgment

19. Because the Court's third judgment has not yet been satisfied, interest will continue to accrue according to the Defendants' calculations until the judgment is fully satisfied.

20. Plaintiff Betty Chan is under an obligation to pay interest on this Court's third judgment and this obligation will be ongoing so long as the third judgment remains unsatisfied.

21. Defendants' calculation of the interest accruing daily on this Court's third judgment is correct. Accordingly, interest will continue to accrue on this Court's third judgment at a rate of \$5,318.58 per year, or \$14.57 per day.

IT IS HEREBY ORDERED, AJUDICATED, AND DECREED:

a) That Defendants/Counterclaimants' *Ex Parte Motion to Confirm and Award Interest, to Release Remainder of Supersedeas Bonds, and to Confirm Continued Accrual of Interest* is GRANTED.

b) That the Court confirms Defendants' calculation of interest owed on this Court's first two awards of attorney's fees as being \$23,057.21 in total.

c) That the Court awards interest on the Court's first two awards of attorney's fees to Defendants in the amount of \$23,057.21.



1 d) That in partial satisfaction of the \$23,057.21 interest owed to Defendants, the
2 Clerk of the Court will immediately release the remaining supersedeas bond in the amount of
3 \$7,771.42 payable by check to the Blackrock Legal Client Trust Account.

4
5 e) That the Court confirms and orders Chan's payment of the remaining \$15,285.79
6 of interest on the Court's first two awards of attorney's fees.

7 f) That the Court confirms the daily accrual of interest on the Court's third award of
8 attorney's fees to be \$5,318.58 per year, or \$14.57 per day, as calculated by the Defendants. The
9 Court further confirms Plaintiff Betty Chan's ongoing obligation to pay the continually accruing
10 interest on the Court's third judgment until such judgment is satisfied in full.
11

12 Dated September 1st, 2023.

Dated this 2nd day of October, 2023

13
14 A handwritten signature in black ink, appearing to read "Eric Johnson", written over a horizontal line.

15
16 **3C8 FA9 1637 1B4F**
17 **Eric Johnson**
18 **District Court Judge**

19 Prepared and submitted by:

20 /s/Michael A. Olsen, Esq.
21 MICHAEL A. OLSEN, ESQ.
22 Nevada Bar No. 6076
23 THOMAS R. GROVER, ESQ.
24 Nevada Bar No. 12387
25 SKYLER J. THORNTON, ESQ.
26 Nevada Bar No. 16331
27 **BLACKROCK LEGAL, LLC**
28 *Attorneys for Wayne Wu, Judith Sullivan,*
Nevada Real Estate Corp. and Jerrin Chiu

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Betty Chan, Plaintiff(s)

CASE NO: A-16-744109-C

7 vs.

DEPT. NO. Department 20

8 Wayne Wu, Defendant(s)

9
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Alea Duford	alea@blackrocklawyers.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 06, 2017

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

February 06, 2017 8:30 AM Motion to Amend

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Higbee, Avece Marie Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Ms. Higbee not present. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order.

CLERK'S NOTE: Ms. Higbee arrived late and was notified by Clerk regarding Court's ruling. Ms. Higbee provided a proposed order for Chambers. /// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 27, 2017

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

February 27, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Higbee, Avece Marie Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION FOR STAY PENDING ARBITRATION...DEFENDANTS' AND COUNTERCLAIMANTS' OPPOSITION TO MOTION TO STAY PENDING ARBITRATION AND COUNTERMOTION TO DISMISS WITH PREJUDICE OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT

Discussions regarding additional claims to be filed, and additional parties. Ms. Higbee argued the matter should not be dismissed, pending arbitration. Court noted there are parties and claims not addressing arbitration. Discussions as to commission dispute. Mr. Olsen argued as to direct violation of ethical rules, amount having exceeded and approaching \$15,000.00, GLVAR rules, and there having been no contact between buyer and Defendant. Further arguments were made regarding arbitration proceedings, KB Home Sales-Nevada Inc., having been seller of property, and the matter needing to be dismissed with prejudice, or summary judgment needing to be granted. Discussions as to Court having enough evidence for dismissal or to grant summary judgment, opposing counsel not having alleged otherwise, and Jerin Chiu not having had a contractual relationship with Plaintiff. Further arguments by Ms. Higbee as to alleged contact, violation of agreement, reduction of commission having been sought, there being no basis for summary judgment or a dismissal, and determination to be made at time of trial. COURT ORDERED, Motion for stay

pending arbitration GRANTED. Ms. Higbee to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

April 03, 2017

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

**April 03, 2017 8:30 AM Motion to Withdraw as
Counsel**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Sansone, Neil M.

JOURNAL ENTRIES

- COURT ORDERED, Motion GRANTED; counsel for Plaintiffs WITHDRAWN. FURTHER, matter SET for status check. Mr. Sansone to prepare the order, and to also include the status check hearing in the written order.

5/01/17 8:30 A.M. STATUS CHECK: NEW COUNSEL FOR PLAINTIFFS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Other Contract****COURT MINUTES****May 01, 2017**

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

May 01, 2017 8:30 AM Status Check

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Kennedy, Todd E. Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Kennedy advised he did not file a notice yet, however, he is confirming as counsel for Plaintiffs today. Mr. Olsen advised this case was stayed, however, arbitration proceedings have not happened yet. Court stated that is up to Plaintiff. Court advised defense counsel if Plaintiff does not proceed, a motion to stay may be filed. COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

August 22, 2018

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

August 22, 2018 8:30 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Kennedy, Todd E. Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- AS TO:

PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO VACATE OR MODIFY ARBITRATION AND OPPOSITION/MOTION TO STRIKE IMPROPER COUNTERMOTION: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order.

DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES: Arguments by Mr. Olsen and Mr. Kennedy in support of their respective positions. Mr. Olsen to supplement the billing records. Following, COURT ORDERED, the following briefing schedule:

Mr. Olsen to file supplement as to the Motion for Summary Judgment and attorney fees by 9/5;
Mr. Kennedy to reply by 9/19 and matter CONTINUED for argument.

PLAINTIFF'S MOTION TO VACATE OR MODIFY ARBITRATION AWARD: Arguments by Mr. Kennedy and Mr. Olsen in support of their respective positions. Following, Court stated its FINDINGS and ORDERED, Motion DENIED. Mr. Olsen to prepare the Order.

Mr. Olsen stated in regards to his Motion for Summary Judgment, there is still a claim against KB Homes for Breach of Contract. Court directed counsel to talk about this issue.

10/10/18 8:30 AM DEFENDANTS AND COUNTERCLAIMANTS WAYNE WU, JUDITH SULLIVAN, NEVADA REAL ESTATE CORP., AND JERRIN CHIU'S OPPOSITION TO MOTION TO VACATE OR MODIFY ARBITRATION AWARD AND COUNTERMOTION TO RECOGNIZE WU AS THE PROCURING CAUSE, FOR SUMMARY JUDGMENT AND FOR ATTORNEY FEES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 17, 2018

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

October 17, 2018 10:30 AM Motion

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Cristalli, Michael Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Cristalli advised he needs a continuance pursuant to the Motion. Objections by Mr. Olsen. Following colloquy, COURT ORDERED, Motion DENIED and ORDERED the following briefing schedule:

Mr. Cristalli to file his response by 10/24;

Mr. Olsen to file reply by 10/26.

Further, future date of 10/31 STANDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 31, 2018

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

**October 31, 2018 10:30 AM Opposition and
Counter-motion**

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Marshall, Janiece S Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Court advised it was not inclined to modify the Arbitration Order. Arguments by Ms. Marshall and Mr. Olsen in support of their respective positions. Following lengthy arguments, COURT ORDERED, Motion for Summary Judgment is GRANTED, however, the request for Attorney Fees is UNDER ADVISEMENT. Mr. Olsen to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

November 30, 2018

A-16-744109-C	Betty Chan, Plaintiff(s)
	vs.
	Wayne Wu, Defendant(s)

November 30, 2018 11:30 AM Minute Order

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiffs' Motion to Vacate or Modify Arbitration Award was filed on July, 18, 2018. Defendants' Opposition and Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney's Fees was filed on August 6, 2018. Both matters came on for a hearing before Department XX of the Eighth Judicial District Court, the Honorable Eric Johnson presiding, on August 22, 2018. At that time, Plaintiffs' Motion to Vacate or Modify Arbitration Award was DENIED and Defendant Wu was determined to be the procuring cause. Defendants' Countermotions for Summary Judgment and Attorney's Fees and Costs were continued to October 31, 2018.

Defendants' Countermotions for Summary Judgment and for Attorney's Fees came on for hearing on October 31, 2018. At that time, Defendants' Countermotion for Summary Judgment was GRANTED. The Countermotion for Attorney's Fees and Costs was taken UNDER ADVISEMENT.

After considering the pleadings and argument of counsel, the Court GRANTS Defendants' Motion for Attorney's Fees and Costs. The Court finds that the contractual provision contained in the Arbitration Agreement signed by both Plaintiff and Defendant provided that "In the event [a party does] not comply with the award and it is necessary for any party to obtain judicial confirmation and enforcement of the award against me, [the party] agree[s] to pay that party costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement." The Court further finds

that provision was reasonable and enforceable.

As costs were never challenged, the Court hereby ORDERS costs in the amount of \$920.83 pursuant to Defendants' Memorandum of Costs and Disbursements.

The Court hereby ORDERS attorney's fees in the amount of \$21,435.00. The Court finds this amount is reasonable and actually incurred by Defendants in enforcing the arbitration award. The Court is awarding attorney fees after the entry of the arbitration award and Plaintiffs' filing of motion to vacate award, starting on July 25, 2018, 2018. The Court declines to award fees requested on the invoices dated December 31, 2016, January 31, 2017, and February 28, 2017, as the redactions made to Plaintiffs' counsel's billing records prevent the Court from determining if those fees were reasonable and necessary. The Court has reviewed the remaining fees and finds they were reasonable and appropriate for litigating the matter and in keeping with attorney fees for such work in Southern Nevada. The Court further finds that the Brunzell factors have been met for the reasons stated in Defendant's motion for attorney fees and exhibits.

Counsel for Defendants is directed to prepare a proposed order including finding of facts and conclusions of law, in particular outlining the Brunzell factors and supporting facts included in their motion, and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature.

Law Clerk to notify the parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 11, 2019

A-16-744109-C	Betty Chan, Plaintiff(s)
	vs.
	Wayne Wu, Defendant(s)

February 11, 2019	8:30 AM	Minute Order
--------------------------	----------------	---------------------

HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
--------------------------------	-------------------------------------

COURT CLERK: Linda Skinner

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- A Motion to Withdraw as Attorney of Record was filed by Michael V. Cristalli, Esq., & Janiece S. Marshall, Esq., of Gentile Cristalli Miller Armeni Savarese, counsel for the Plaintiff, on January 3, 2019. The matter was subsequently placed on the Calendar of Department XX on February 20, 2019. No opposition having been filed and good cause showing, pursuant to EDCR 2.20 and EDCR 2.23(c) the Court hereby GRANTS the Motion to Withdraw.

The Court hereby VACATES the February 20, 2019 hearing. Withdrawing Attorneys are to prepare a proposed order listing all future deadlines and hearings and submit to chambers for signature. Withdrawing attorneys are also ordered to inform Plaintiff of the withdrawal as well as any future hearing dates.

Law Clerk to notify the parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****April 01, 2019**

A-16-744109-C Betty Chan, Plaintiff(s)
 vs.
 Wayne Wu, Defendant(s)

April 01, 2019 7:15 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiffs Betty Chan and Asian American Realty & Property Management filed a Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw on February 19, 2019. The matter was subsequently scheduled for hearing on April 3, 2019.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw. The Court finds that Plaintiffs have not provided "substantially different evidence" or demonstrated that the Court's decision was "clearly erroneous" as required for a motion for reconsideration. Further, the Court finds that there is nothing pending in this litigation. The Court has granted Summary Judgment in favor of Defendants and dealt with all claims pending in this litigation. Therefore, allowing counsel to withdraw at this time does not place Plaintiffs in a materially adverse position.

The Court further finds that counsel had good cause for withdrawing from this matter. The Court finds that there was a significant breakdown in both communication and in the attorney-client relationship such that the representation could not continue. Therefore, withdrawal was appropriate in this instance and the Court declines to reconsider its ruling.

The Court hereby VACATES the April 3, 2019 hearing. Janiece Marshall, Esq., is directed to prepare a proposed order and submit it to chambers for signature.

Law Clerk to notify the parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

April 17, 2019

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

April 17, 2019 **8:30 AM** **Motion**

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Chan, Betty	Plaintiff
		Counter Defendant
	Olsen, Michael A.	Attorney

JOURNAL ENTRIES

- Ms. Chan stated she would like to hire an attorney. Court concurred, however, noted she has already had 4 attorneys and she knew this hearing was set for today. Ms. Chan advised she has an appointment tomorrow with an attorney. Mr. Olsen objected to a continuance as this is a stall tactic of Ms. Chan's, that he would request the funds being held by GLVAR be released. Following additional arguments by Ms. Chan, COURT ORDERED, Motion GRANTED and noted it will take effect on April 26, 2019. Court advised Ms. Chan that will give her time to seek counsel to review the Motion.

Statements by Plaintiff as to her Motion for Reconsideration. Following statements by Ms. Chan, Court DENIED the Motion as there is no basis for reconsideration. Statements by Mr. Olsen as to additional attorney fees.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****May 01, 2019**

A-16-744109-C Betty Chan, Plaintiff(s)
 vs.
 Wayne Wu, Defendant(s)

May 01, 2019**8:30 AM****All Pending Motions****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Chan, Betty	Plaintiff
		Counter Defendant
	Frizell, R Duane	Attorney
	Olsen, Michael A.	Attorney

JOURNAL ENTRIES

- MOTION TO STAY EXECUTION ON OST...PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY EXECUTION PENDING APPEAL (ON AN EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME) AND DEMAND FOR SUPERSEDEAS BOND AND COUNTERMOTION TO AMEND ORDER

Statements by Mr. Frizell and Mr. Olsen in support of their respective positions. Colloquy as to the posting of a bond. Mr. Olsen argued for 3x's the amount of the Judgment. Opposition by Mr. Frizell. Court noted it is inclined to grant 1 1/2x's the Judgment. Following additional colloquy, Court directed the bond be posted by 5/10. Further, Motion to Stay Execution is GRANTED and Partial Opposition to Plaintiff's Motion is GRANTED-IN-PART. Mr. Frizell provided an Order with the approval of Mr. Olsen that was SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 22, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

January 22, 2020 8:30 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME)...OPPOSITION TO PLAINTIFF'S MOTION TO FORMALLY RESOLVE MOTION FOR RECONSIDERATION AND TO CERTIFY JUDGMENT AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME) AND COUNTERMOTION FOR SUMMARY JUDGMENT ON ABUSE OF PROCESS CLAIM

Conference at the Bench. Court advised it does not believe it has jurisdiction as this case is on appeal. Arguments by Mr. Frizell and Mr. Olsen in support of their respective positions. Following, COURT ORDERED, Plaintiff's Motion is DENIED and Defendant's Motion is GRANTED IN PART/ DENIED IN PART. Mr. Frizell to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

June 30, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

June 30, 2020 8:30 AM Motion to Strike

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner
Samantha Albrecht

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Mr. Frizell appeared by telephone and Mr. Olsen appeared by video via Blue Jeans.

Court noted it will deny the Motion to Strike and ORDERED, MOTION DENIED IN PART.

Arguments by Mr. Frizell and Mr. Olsen. Following, COURT ORDERED, the following briefing schedule as to the Motion for Summary Judgment:

Mr. Frizell to respond by 7/7

Mr. Olsen to reply by 7/13.

Further, COURT ORDERED, Motion for Summary Judgment set for 7/7 is CONTINUED.

7/21/20 8:30 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

July 21, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

July 21, 2020 11:00 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Samantha Albrecht
Kristen Brown

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
Grover, Thomas R Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION FOR ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR CONTRACTUAL AWARD OF ATTORNEY'S FEES, FOR WRIT OF EXECUTION ON PLAINTIFF'S COMMISSIONS AWARDED BY GLVAR ARBITRATION PANEL AND RELEASE OF BOND DEPOSITED ON APPEAL AND COUNTERMOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' ABUSE-OF PROCESS COUNTERCLAIM

Court FINDS Ms. Chan represented the worst of litigants, her filing of the complaint was not enough for abuse of process and she had an ethical obligation with the realtor board to attend either arbitration or mediation, which she claims she did. Court noted she may have violated her ethical obligations, however she had a right to file the complaint which appeared was not filed for an ulterior motive. Court FURTHER FINDS, Ms. Chan had the right to appeal, therefore, ORDERED,

Defendant's Motion GRANTED as to Summary Judgment, attorney's fees, release of bond and DENIED as to the Writ of Execution. Arguments by Mr. Olsen and Mr. Frizell. Colloquy regarding billing for attorney's fees and costs. COURT FURTHER ORDERED, Plaintiff's Countermotion for Summary Judgment on Defendant's Abuse-of- Process Counterclaim is GRANTED.

Following colloquy, counsel agreed to the following dates:

Mr. Olsen to file Request for Attorney's Costs and Fees on or before: 8/5/20

Mr. Frizell to file any Objection to the Request for Attorney's Costs and Fees on or before: 8/19/20

Mr. Olsen to file any Reply on or before: 8/26/20

At the request of counsel, COURT ORDERED, matter SET for status check.

9/16/20 8:30 AM STATUS CHECK: ATTORNEY'S FEES AND COSTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

September 30, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

September 30, 2020 10:30 AM All Pending Motions

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Haly Pannullo

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Chan, Betty Plaintiff
Frizell, R Duane Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- PLAINTIFFS OPPOSITION TO DEFENDANTS MEMORANDUM FOR PRODUCTION OF INVOICES FOR ATTORNEY S FEES AND COSTS AND COUNTERMOTION TO HAVE DEFENDANTS INVOICES FILED AND MADE PART OF THE PUBLIC RECORD ... STATUS CHECK: ATTORNEYS FEES AND COSTS

Following arguments by counsel, Court noted the history of this matter. Further, COURT ORDERED, \$35,630.00 in costs allowed in attorneys fees and costs after the last award in October 2018. COURT STATED FINDINGS. Court noted there is an issue of the invoices be made as part of the record. Mr. Olsen stated he will file the invoices. COURT FURTHER ORDERED, matter SET for Status Check regarding a Final Order being sent to the Court. Mr. Olsen inquired as to the Writ of Attachment and being allowed to collect the full amount instead of leaving \$3,000.00 for Ms. Chan. Mr. Frizzell stated they can file a motion for stay. Court noted the issue of changing the Writ of Execution and stated it does not see an issue in doing that. Court stated this court will allow a Writ of Execution as to all of the funds and this will require a new Writ of Execution. Mr. Olsen stated he will submit a new Writ. COURT SO NOTED. At request of Mr. Frizell, COURT ORDERED, leave GRANTED to file a Motion.

A-16-744109-C

10/28/20 10:30 AM STATUS CHECK: ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 09, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

October 09, 2020 2:39 PM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, the Order Granting Summary Judgement, dated 10/9/20 VACATED and STRICKEN as filed in error, pending presentation of a final order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 28, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

October 28, 2020 10:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Fritzell stated he received the order but has not reviewed it yet; the order should be submitted within a week. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 11/18/20 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

November 18, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

November 18, 2020 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Jill Chambers

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
 Routsong, Keith D. Attorney

JOURNAL ENTRIES

- Mr. Routsong stated that the matter was resolved and he submitted an order earlier in the day for the Court's review and signature. Upon inquiry of the Court, Mr. Frizell confirmed that he approved with the order as written. Counsel further stated that they did not need another status check to be set.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

December 09, 2020

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

December 09, 2020 8:30 AM Motion to Stay

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Ro'Shell Hurtado

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
 Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Duane Frizell, Esq. and Michael Olsen, Esq. present via Bluejeans video conference.

Arguments by counsel. Following arguments, COURT STATED ITS FINDINGS, ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal (on Ex Parte Application For An Order Shortening Time) GRANTED; BOND in the amount of \$33,283.50. Court advised Mr. Frizell to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Motion to Stay Execution Pending Appeal VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 01, 2023

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

**March 01, 2023 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Aimee Curameng

REPORTER:

PARTIES

PRESENT: Frizell, R Duane Attorney
Olsen, Michael A. Attorney

JOURNAL ENTRIES

- Appearances made via the BlueJeans Videoconferencing Application: Duane Frizell, Esq.

Arguments made by counsel in support of and in opposition to the motion. Court stated its findings and ORDERED, Defendant's Motion for Attorney Fees and Costs GRANTED IN PART as to Attorney Fees and TAKEN UNDER ADVISEMENT regarding costs.

CLERK S NOTE: Minutes prepared from JAVS recording. //-jm 03.31.23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

September 15, 2023

A-16-744109-C	Betty Chan, Plaintiff(s)
	vs.
	Wayne Wu, Defendant(s)

September 15, 2023 3:00 AM Minute Order

HEARD BY: Johnson, Eric

COURTROOM: Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff filed her Motion to Request for Reconsideration on July 31, 2023. Defendant's filed their Opposition to Plaintiff's Motion on August 14, 2023. The matter was subsequently set for hearing on September 18, 2023. After considering the pleadings and arguments of Counsel, the Court hereby DENIES the Plaintiff's Motion to Request for Reconsideration.

First, the Plaintiff's filing is an improper filing: as stated by Defense counsel, it was filed as a Request for Reconsideration, but is actually a motion for an extension of time in which to file her Motion for Reconsideration.

Further, the Plaintiff has offered no legal authority or circumstances to merit her extension in this case. She states she has parted ways with her attorney and now states she needs more time to analyze her "strategic options." However, Plaintiff has had numerous attorney on this matter and continuous sought to litigate this case since 2016. The rules provide for a party to have 60 days to seek reconsideration. Plaintiff has not provided the Court with a sufficient basis for which to grant her motion for extension of time. As noted, her case started in 2016 and Plaintiff has had ample opportunity to have her case considered in light of her appeals to the Nevada Supreme Court and in her efforts to continue this case since its inception in 2016. At this point in time, the Court denies Plaintiff's motion for extension of time.

The Court hereby VACATES the September 18, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

Defendant's filed their Countermotion for Attorney's Fees and to Find Plaintiff, Betty Chan, a vexatious litigant, on August 14, 2023. The matter was subsequently set for hearing on September 18, 2023. No opposition having been filed, and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c), the Court hereby GRANTS IN PART the Defendant's Countermotion.

Here, Plaintiff has repeatedly stated her intentions to continue the litigation in order to "teach them a lesson" for making her feel "insulted and humiliated" and for "daring to challenge" her. Defendant's motion is based Plaintiff's ongoing contractual obligation to pay reasonable attorney's fees and costs Defendant has incurred in seeking to enforce the arbitration agreement and the fees and costs the Court has awarded. As long as Plaintiff continues to fight Defendant's legal efforts to enforce the arbitration agreement, Defendant can move under the contract for reasonable attorney's fees. In its affirmance of the Court's judgement on appeal, the Nevada Supreme Court confirmed this Court could award such fees under the arbitration agreement "so long as Ms. Chan fights against collection of the original award."

Defendant's Motion for Attorney's fees will be granted. Defense counsel is to provide billing information as to their time spent working on defending the Plaintiff's current motion.

According to NRCP 11, Peck v. Crouser, 129 Nev. 120, 122, 295 P.3d 586, 587 (Nev. 2013), a vexatious litigant is one that repeatedly files frivolous lawsuits. However, as Plaintiff here has merely filed one single lawsuit, albeit one single lawsuit that has dragged on for a number of years. Therefore, there is insufficient evidence at this time to deem Plaintiff a "vexatious litigant" under the rules and relevant case law.

The Court hereby VACATES the September 18, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 9-15-23khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 04, 2023

A-16-744109-C Betty Chan, Plaintiff(s)
vs.
Wayne Wu, Defendant(s)

October 04, 2023 3:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff, Betty Chan, filed a Motion for Reconsideration on September 25, 2023. The Motion for Reconsideration was subsequently scheduled for hearing on November 1, 2023. The Plaintiff, Betty Chan, then filed a Motion to Continue the Motion for Reconsideration on October 2, 2023. The Motion for Continuation was subsequently scheduled for hearing on November 8, 2023.

No opposition has been filed, and opposing counsel agrees to continue the hearing for the Motion for Reconsideration. Thereby, good cause showing, and pursuant to EDCR 2.23(c) the Court hereby GRANTS the Motion to Continue and reschedules the Motion for Reconsideration hearing to be held on November 15, 2023 at 8:30 am.

The Court hereby VACATES the hearing for the Motion to Continue on November 8, 2023 and the Court hereby MOVES the Motion for Reconsideration hearing for November 15, 2023 at 8:30 am.

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 to the Supreme Court, NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING EX PARTE MOTION TO CONFIRM AND AWARD INTEREST, TO RELEASE REMAINDER OF SUPERSEDEAS BONDS, AND TO CONFIRM THE CONTINUED ACCRUAL OF INTEREST; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

BETTY CHAN; ASIAN AMERICAN REALTY
& PROPERTY MANAGEMENT,

Plaintiff(s),

vs.

WAYNE WU; JUDITH SULLIVAN; NEVADA
REAL ESTATE CORP.; JERRIN CHIU; KB
HOME SALES-NEVADA, INC.,

Defendant(s),

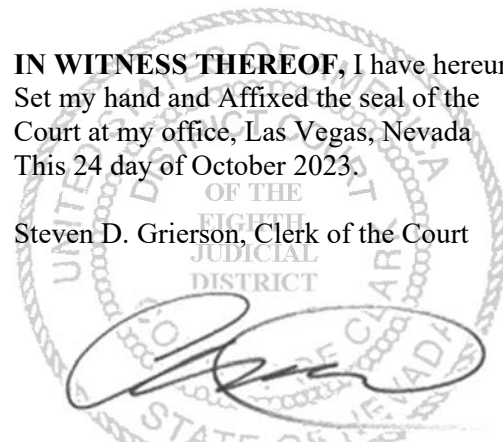
Case No: A-16-744109-C

Dept No: XX

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 24 day of October 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk