


CLERK OF THE COURT

1 **Notice**

2 Betty Chan, Broker and
3 Asian American Realty &
4 Property Management
5 4651 Spring Mountain Road
6 Las Vegas, NV 89102
7 Phone: 702-222-0078
8 Email: aarpm09@gmail.com

9 Collectively Plaintiffs

Electronically Filed
Apr 18 2024 09:48 AM
Elizabeth A. Brown
Clerk of Supreme Court

10
11 IN THE EIGHTH JUDICIAL DISTRICT COURT
12
13 OF THE STATE OF NEVADA IN AND FOR
14
15 THE COUNTY OF CLARK

16 BETTY CHAN AND ASIAN AMERICAN
17 REALTY & PROPERTY MANAGEMENT

18 Plaintiff,

19 vs.

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

23 Defendants.

Case No.: A-16-744109 C

Dept. No.: XX

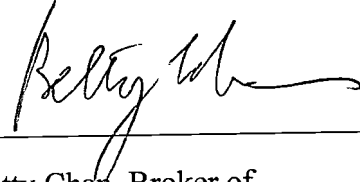
NOTICE OF APPEAL to the Supreme Court

24 **NOTICE OF APPEAL**

25 Notice is hereby given that Asian American Realty & Property Management (AARPM)
26 and its Broker Betty Chan, collectively Plaintiff appeal to the Supreme Court of Nevada from
27 the **ORDER GRANTING DEFENDANTS' FIFTH MOTION FOR ATTORNEY'S FEES**
28 **on the 14th day of March 2024. And Motion to stay execution of judgement and accrued**
interest pending appeal.

Due to the non-responsiveness of Plaintiff's current Attorney Christopher Molina who
missed the deadlines of Reconsideration, therefore Plaintiff is forced to file this Notice of
Appeal on its own. As AARPM is a Nevada Corporation and its Officer/Corporate Broker
Betty Chan both cannot appear without an attorney, this filing serves only as a Notice to Appeal

1 in order to meet the deadlines of appeal. Plaintiff requests the Court to allow Plaintiff 30 days to
2 locate an appeal attorney to finalize the appeal submission.
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A handwritten signature in black ink, appearing to read "Betty Chan", is written over a horizontal line.

Betty Chan, Broker of
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

4. Name of Counsel: TBD

Plaintiff is asking this Court to allow Plaintiff 30 days to search for an appeal attorney to continue complete this Filing.

5. Defendants/Respondents:

Wayne Wu, Judith Sullivan, Jerrin Chiu. All represented by same Counsel
(Jerrin Chiu and KB homes were never a party to this Arbitration litigation)
Name and Address of Respondents 'Counsel:

Attorney Michael Olsen/Blackrock Legal LLC
10155 W Twain Ave., #100 Las Vegas, NV 89147

6. Attorney listed in 5 is a licensed Nevada Attorney

7. Appellant is currently represented by and retained Counsel Christopher Molina under the supervision of Attorney Aaron Shipley in District Court but Attorney Molina told Plaintiff that he will not go to appeal

8. Appellant is now actively seeking to retain a Counsel on appeal

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

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

11. 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:

a) It was District Court's ruling to rule on the interest accrued first before to rule on the 5th award of attorney fee (Exhibit A transcript hearing 02/14/2024 10:23-26). However, Attorney Olsen filed his entry of order for 5th attorney fees on 3/14/2024 with the endorsement of Plaintiff's own attorney. Plaintiff was kept in the blind until it was recorded, even before the order of the interest issued. The subject Attorney fees claimed should have been reduced given the fact that Attorney Olsen even admitted he was wrong in his interest calculation. He could

1 not be rewarded for his attorney fees knowing his calculations was wrong and so was his
2 arguments.

3 b) This appeal is about Plaintiff's civil right for due process has been violated while Plaintiffs
4 were not represented and Attorney Olsen got all their attorney fees and interest granted. His
5 reason was Plaintiff could not represent itself to file any reconsideration. Plaintiff did not
6 receive a fair trial.

7 Attorney Olsen filed 8 Ex Parte motions "Objection to reconsideration of all the
8 Defendants Ex Parte Motions, Attorney fees and accrued interest; Ex Parte motion to confirm
9 and award interest, to release remainder of supersedeas bonds, and to confirm the continued
10 accrual of interest (repeated 3 times); Subpoena and debtor examination and Ex Parte order
11 granting Ex Parte Motions" while Plaintiffs were not represented during his claim period from
12 8/1/2023 to 12/20/2023 and got all their attorney fees and interest granted. Plaintiffs did not
13 receive a fair trial. This violation of Plaintiff's civil right of due process was previously
14 addressed in Supreme Court appeal case# 87725 and in District Court reconsideration filing.

15 c) Attorney Olsen has committed perjury to the Court for willfully, knowingly and
16 intentionally failing to disclose to both District Court and Supreme Court material evidence
17 that it was Attorney Olsen himself declined to accept the arbitration award.

18 Attorney Olsen continued defrauded Plaintiff's attorney fees by portrayed himself as a
19 "fake" victim, claiming or actually lying to the Court that Plaintiffs were still stubbornly
20 fighting against him to collect the arbitration award and therefore Plaintiff still had a
21 contractual obligation to pay for his attorney fees.

22 Attorney Olsen included in his motion for his 5th Award of attorney fees Exhibit 2 an order
23 dated 11/23/2020 to support his 5th Motion of attorney fees. That was not the final order and
24 there was a December 9 hearing after that.

25 (Exhibit B: December 9 2020 hearing transcript 15:11-20)

26 This dialogue was a follow up to the conclusion of prior hearing on 11/23/2020:
27 "Defendants may execute upon the entirety of the \$13,795.32 commission held in the GLVAR
28 escrow account pursuant to a new writ of execution"

1 “MR. OLSEN: Your Honor, just to clarify, then, we are stayed from collecting on the first
2 Bond or the GLVAR funds at this time?

3 THE COURT: Well, that’s – I was going to say he’s indicating that you can get the G – your
4 share as per the G – of the GLVAR funds, but she obviously would get her 3,000 or whatever
5 dollars that the arbitration award provided. So, you can leave money there -- I would be – if
6 you want or we can release it. What do you want to do?

7 **MR. OLSEN: Your Honor, let’s leave it all there. I don’t want to release the funds to**
8 **her, and I’d rather have the opportunity to come back and collect based on your order.”**

9 Attorney Olsen has been arguing all along that “Ms. Chan is under an ongoing contractual
10 obligation to pay reasonable attorney’s fees and costs Defendants incur in seeking to enforce
11 the arbitration agreement...”. Thus, the Court finds that as long as Plaintiffs choose to litigate
12 this case and force Defendants to combat Plaintiffs’ efforts, Defendants are entitled to their
13 reasonable attorney’s fees under this provision in the Agreement to Arbitrate.

14 That was why the Court granted his 5th award of attorney fees because Attorney Olsen
15 misled the Court to believe he was still owed the arbitration award.

16
17 12. This Case has not previously been the subject of an appeal to or original writ proceeding in
the Supreme Court.

18 There were 2 appeals case no 78666 and 82208 previously filed by Plaintiff in 2019 and
19 2021 to determine who was the procuring cause of the real estate sales commission and to
20 modify or vacate the arbitration award. Both appeals were ruled and were not on the same
21 subject of the current notice of appeal regarding the attorney fees sued by the Defendants.

22 The latest two filings 87506 and 87725 filed in October and December 2023 as new cases
23 of Notices of Appeal since Plaintiff did not have an attorney at the time. Defendants’
24 Attorney Olsen seizing the opportunity Plaintiff was not represented, immediately filed 8
25 Exparte motions in 4 months and got them all granted. That was why Plaintiff had to file
26 those 2 notices of appeal in the absence of an attorney and was eventually withdrawn after
27 Plaintiff located an attorney.
28

1
2 Later District Court scheduled a hearing on both issues from the appeal, and ruled no
3 prejudgment interest should be applied to Attorney Olses' claim. Attorney Olsen also
4 admitted he was wrong in his calculation of interest. Plaintiffs then paid the correct attorney
5 fees in full as of 2/14/2024.

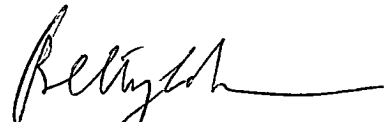
6 Thinking it was over, however Attorney Olsen continued to sue for his made-up and
7 inflated this 5th award of attorney fees for all his fees for all the Exparte motions and
8 order granted. His Attorney fees were unjust without a fair trial and needed to be appealed.

9 Once again, Plaintiff has to file this NEW notice of appeal for the 5th Motion of Attorney
10 fees which is not previously been filed with the reasons of appeal as stated above.

11 13. This Appeal does not involve child custody or visitation

12 14. This is a civil case and the appeal does not involve the possibility of settlement: unlikely

13 Dated this 12th date of April 2024
14

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17 Betty Chan, Broker of
18 Asian American Realty & Property Management
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Certificate of Service

I hereby certify that on the 12th day of April 12, 2024, service of the foregoing:

1) Notice of Appeal and 2) Case Appeal Statement

were submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

/s/ Darrie Lau

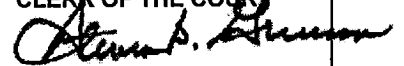
An Individual over 18 years old

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Exhibit A

Hearing transcript 2/14/2024 10:23-26

Attorney fees hearing date to be on 3/20/2023 after interest decided first



1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6
7 BETTY CHAN,

8 Plaintiff,

9 vs.

10 WAYNE WU,

11 Defendant.

CASE NO. A-16-744109-C

DEPT. XX

12 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE
13 WEDNESDAY, FEBRUARY 14, 2024

14 **RECORDER'S TRANSCRIPT OF HEARING:**
15 **HEARING: ATTORNEY'S FEES;**
16 **STATUS CHECK: STATUS OF JUDGMENT DEBTOR EXAM**

17 APPEARANCES:

18
19 For the Plaintiff:

J. CHRISTOPHER MOLINA, ESQ.

20
21 For the Defendant:

MICHAEL A. OLSEN, ESQ.
ALEA B. DUFORD, ESQ.

22
23
24
25 RECORDED BY: KENDAL LEMING; CONNIE AJERO, COURT RECORDERS

1 WEDNESDAY, FEBRUARY 14, 2024 AT 9:42 A.M.

2
3 THE COURT: Betty Chan versus Wayne Wu, Case Number A744109.
4 Counsel, please note your appearances for the record.

5 MR. MOLINA: Good morning, Your Honor. Chris Molina for Betty Chan and
6 Asian American Realty.

7 MR. OLSEN: Good morning, Your Honor. Michael Olsen, Bar Number 6076,
8 on behalf of the defendants. I also have my Associate Alea Duford with me today.
9 It's her first appearance in court, Your Honor. So --

10 THE COURT: Oh, good.

11 MS. DUFORD: Hello.

12 THE COURT: Thank you. Good to see you. Where did you go to law
13 school?

14 MS. DUFORD: BYU.

15 THE COURT: BYU, okay. And when did you get licensed?

16 MS. DUFORD: Past October. I just took the Bar.

17 THE COURT: Okay. Congratulations.

18 MS. DUFORD: Thank you.

19 THE COURT: All right. Well this is essentially a status check in regard to the
20 judgment debtor exam and also a hearing relating to attorney's fees; not so much
21 the fees, but the issue of interest on the fees.

22 I've got your paperwork and your contention that this should all go back
23 to the filing of the Complaint. But I'll be honest, I sort of tend to agree with new
24 Counsel for Ms. Chan's calculation that we should be focusing -- since we're talking
25 attorney's fees that weren't even earned -- I mean, when you're talking the award or

1 what we are fighting over then, yeah, I agree it goes back to the filing of the
2 Complaint. But the attorney's fees theoretically aren't earned until a later period of
3 time, so I tend to agree in terms of their calculation that it starts with the Court's
4 order of attorney's fees that each point in time and runs from there; so that's where
5 I'm leaning at this point if you want to discuss that.

6 MR. OLSEN: Okay. Your Honor, can I -- may I use the lectern?

7 THE COURT: Sure.

8 MR. OLSEN: It's a little easier to --

9 THE COURT: However you want to do it.

10 MR. OLSEN: Okay. It's a little easier.

11 THE COURT: There's a little pull-out table there, too, if you want.

12 MR. OLSEN: Oh, okay. No, it's good. Thank you. My vision is not what it
13 used to be, so it's a little closer this way.

14 So, Your Honor, just real quickly, I want to give you just a little
15 procedure background on what's happened over the last few months because it's
16 important to the issue before the Court. So we've been striving to collect on the
17 prior awards of the Court, and Ms. Chan has done her best to stop us at every turn.
18 She's filed two or three Motions to Extend Time. She's filed two Motions for
19 reconsideration. She's filed a Protective Order to stop us from the judgment debtor
20 exam. She's filed two appeals to the Supreme Court; one of them, she's now
21 voluntarily dismissed. Those were appeals three and four that she's filed in this
22 case. She's also been through two more Counsel. We tried to settle the case. We
23 agreed to take a significant discount, she rejected that.

24 So now, we have current Counsel. And now current Counsel comes in
25 for the first time; argues that we shouldn't be entitled to pre-judgment interest, even

1 though the Court has previously awarded pre-judgment interest, and I'll address
2 that. But let me handle the easy issue first, we're entitled to a judgment debtor
3 exam under NRS 21.270.

4 THE COURT: I'm not -- I don't -- I'm not sure -- is new Counsel contesting
5 that?

6 MR. MOLINA: No, Your Honor. And we've actually brought checks today
7 because we're prepared to pay the judgment in full according to the amount that we
8 think is correct and, therefore, the judgment debtor exam should be moot.

9 THE COURT: All right.

10 MR. OLSEN: Well, okay.

11 THE COURT: Have you pondered that at all?

12 MR. OLSEN: No, Your Honor. My issue is that, we served her with discovery
13 that she hasn't responded to, and so I just -- I just want to be clear that we're going
14 to get -- so we'll submit an Order --

15 THE COURT: Well I mean --

16 MR. OLSEN: -- for judgment debtor.

17 THE COURT: Yeah. Why don't -- why don't the two of you go out to that
18 anteroom and sort of chat and see if there's anything that can be resolved relating to
19 this. If it can't, fine. But why don't you talk real quick before we spend time --

20 MR. OLSEN: Okay.

21 THE COURT: -- debating this issue. I'm not going anywhere. I've got
22 something -- somebody else sitting out there, so I know that there's another matter
23 I've got to deal with. Why don't you two step out and just chat for a second.

24 MR. OLSEN: Okay.

25 THE COURT: And let's see if we --

1 MR. OLSEN: I mean, we've tried this a week ago, but I'll try it again, Your
2 Honor.

3 THE COURT: Let's try it again and see if we can -- and I'm not saying you
4 have to agree with anything or it, but let's just see where we are real quick. And if
5 we aren't anywhere, like I said, you can submit the Order for judgment debtor exam
6 and we'll go from there.

7 MR. OLSEN: Okay.

8 THE COURT: And we'll talk about interest here in a minute.

9 MR. OLSEN: All right. Thank you. We'll be back shortly.

10 [Recalled at 9:59 a.m.]

11 THE COURT: All right, recalling Betty Chan versus Wayne Wu, Case
12 Number A744109. Counsel already made their appearances. All right.

13 MR. OLSEN: Your Honor, we gave it a shot again, and it was unsuccessful.

14 THE COURT: Okay, that's fine. All right, so --

15 MR. OLSEN: So, Your Honor, I will --

16 THE COURT: -- I am good going forward with a debtor exam, so go ahead
17 and prepare the Order on that.

18 MR. OLSEN: Thank you.

19 THE COURT: Let's talk then in terms of interest.

20 MR. OLSEN: So, Your Honor, I think the sole issue is pre-judgment interest.
21 Is that right?

22 THE COURT: That's as far as I am concerned today.

23 MR. OLSEN: Okay, so just a couple of quick arguments on that. The first
24 argument is that, the Court has already awarded pre-judgment interest previously,
25 and she did not timely object to that, so it's res judicata. But the second argument,

1 Your Honor, is that the *Albios* case applies. It's directly on point, that was a
2 contractual damage case from 2006 Nevada Supreme Court. And the case says
3 when attorney's fees are awarded as an element of damages, the prevailing party is
4 entitled to recover pre-judgment interest on the attorney's fees. As the attorney's
5 fees are awarded as an element of past damages, attorney's fees draw interest from
6 the time of service of the Summons and the Complaint as specified in NRS
7 17.130(2).

8 That's what *Albios* says, it's directly on point here, Your Honor, because
9 their argument is under *Mausbach* that we're asking for interest on an arbitration
10 award, that's incorrect. *Mausbach* says you can't ask for interest on an arbitration
11 award. Okay, we're not asking for that. The fees awarded by this Court, and
12 affirmed by the Supreme Court twice, are contractual damages on the Agreement to
13 Arbitrate, paragraph 6, of the Agreement to Arbitrate.

14 THE COURT: Right.

15 MR. OLSEN: And I'll read Your Honor's finding; this is from your Order where
16 you granted our attorney's fees and this is what you said. This is the July 17, '23
17 Order; you said -- they tried to make another argument for why we weren't entitled to
18 attorney's fees. And you said, "Instead, defendant's are seeking attorney's fees
19 based on a provision and the parties' Arbitration Agreement, which triggers an
20 ongoing obligation to pay the other party's reasonable attorney's fees and costs.
21 Specifically, the provision reads" and then it has paragraph 6 from the arbitration. I
22 won't read that again; you know what that says.

23 But you said, "Moreover, this Court has previously construed this
24 provision, and the Nevada Supreme Court has agreed, that 'Ms. Chan is under
25 ongoing contractual obligation to pay reasonable attorney's fees and costs.

1 Defendants incur in seeking to enforce the arbitration agreement.' And thus, the
2 Court finds that as long as Plaintiff choose to litigate this case and force
3 Defendants to combat Plaintiffs' efforts, Defendants are entitled to their reasonable
4 Attorney's fees under this provision in the Agreement to Arbitrate."

5 So the fees awarded were damages under the Agreement to Arbitrate,
6 which goes back under *Albios* to the filing of the Complaint in this case, where they
7 tried to overturn the arbitration award. So the fees have been awarded in the
8 past -- I'm sorry, the pre-judgment interest has been awarded in the past by this
9 Court, and it should be affirmed.

10 And, Your Honor, we did -- I will admit, we did make one slight error
11 when we were calculating the prejudgment and post-judgment interest. The first
12 submission, we calculated them the same. And they're not the same, that was a
13 fifteen hundred dollar error. So in our Motion for purposes of today, we're asking the
14 Court to bring the interest calculation current through the end of January.

15 And, Your Honor, if you go to our table, which is page 15 of our
16 Response to Betty's Objection, you can see we have calculated the interest through
17 the end of January, and so we've got -- it's laid out very clear for Your Honor. The
18 principle awarded on March 22nd, November 23rd, July 17th, and November 2nd, all of
19 those principle amounts have been awarded. I don't even think they're disputed and
20 then the principle that's been paid is accounted for. The principle due and owing is
21 48,665.89 and then when you tack on the interest, it's 60,798.42 for a total of
22 109,464.00; that is on the principle and the pre and post-judgment interest through
23 January.

24 Now, Your Honor, we've also just last week, we've filed a Motion for
25 our attorney's fees incurred from last July through now. Which is significant

1 because, again, of all the reasons I indicated when I started, we've had to fight
2 through two more appeals and seven Motions and -- you know, the vow just goes on
3 and on, Your Honor. I mean --

4 THE COURT: No, I was looking at --

5 MR. OLSEN: -- I tried to settle this case three years ago for far less money
6 than what we're talking about now, and I just couldn't get it done. So --

7 THE COURT: Like I said, I looked and see it's a 2016 case. So --

8 MR. OLSEN: Yeah.

9 THE COURT: It's been on --

10 MR. OLSEN: Yeah, it's not fair to my clients --

11 THE COURT: It's been around a while.

12 MR. OLSEN: -- that they continue to incur fees because they have to fight to
13 collect on the awards that had been awarded by the Court.

14 THE COURT: Okay. Let me hear from plaintiff's Counsel.

15 MR. MOLINA: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. MOLINA: So I think I'll start out by addressing --

18 THE COURT: There's a little side table if you're --

19 MR. MOLINA: Oh, perfect. I'll start out by addressing the *Albios* case. And it
20 is correct that in that case the Court awarded interest, pre-judgment interest, on
21 attorney's fees. And the reason why is because attorney's fees in that case were
22 awarded under NRS 40 -- under NRS 40.655, I believe it was a construction defect
23 case.

24 And under that statute, those attorney's fees are considered special
25 damages. So special damages are an exception to the general rule that pre-

1 judgment interest is not recoverable on attorney's fees. The general rule is that,
2 only post-judgment interest is recoverable on attorney's fees. And so, *Albios* does
3 not support their position, it actually contradicts their position. This Court did not
4 award attorney's fees as special damages. Special damages are attorney's fees
5 that have to be specially pleaded and proven.

6 Typically, they're alleged as part of the underlying harm that's part of
7 the cause of action. And the Nevada Supreme Court has held that a general prayer
8 for relief for attorney's fees along the nature of, you know, we've been forced to hire
9 the services of an attorney to end this lawsuit; that type of general prayer is not
10 sufficient to make this a special damages award.

11 And as you noted, these attorney's fees were not knowable until after
12 they were incurred. They were not earned until after the Summons and Complaint
13 were served. And the case law's very clear that, the Nevada Supreme Court has
14 held expressly that they did not believe that the legislature intended to award post-
15 judgment -- or pre-judgment interest on damages, attorney's fees and costs that
16 were incurred after the Summons and Complaint were served.

17 So just as a general proposition, these attorney's fees can only accrue
18 interest from the time that the judgment was entered. And to -- you know, allow their
19 theory of pre-judgment interest would essentially just be giving them a windfall. And
20 when we're talking about -- opposing Counsel mentioned is \$59,000.00 award
21 attorney's fees that he's seeking, that was for work that was performed within the six
22 months.

23 Well according to his position, he gets seven years of pre-judgment
24 interest on attorney's fees that were incurred six months ago; that's untamable and it
25 gives them a windfall. It doesn't compensate them for the loss of the time valued of

1 money and it just penalizes my client. So our position is that, this is a very simple
2 issue that pre-judgment interest just isn't available under an award of attorney's
3 fees. And our calculation includes post-judgment interest all the way back to the
4 dates of each of the awards through today's date, and Ms. Chan has brought checks
5 for that full amount.

6 So how do we end this case, right, that's really my concern is, you
7 know, this case has been dragging out for seven years. It should end. And how do
8 we do that? Well Ms. Chan has been asking for a payout amount since October.
9 And a lot of these additional fees that they're requesting are fees that were incurred
10 after that. How can she end the case without knowing what the correct; final amount
11 of the judgment is?

12 And now we've figured it out, and we're ready to pay it. But defendant
13 still want to litigate, so how do we end this case?

14 THE COURT: Well they want to get their -- they want to get the fees that
15 they've -- the attorney's fees that they've incurred since last July so that -- that's an
16 outstanding issue.

17 MR. MOLINA: Correct.

18 THE COURT: The other -- you know, the rest of it can -- depending on how
19 the Court rules as far as prejudgment or post-judgment interest on the attorney's
20 fees can obviously be calculated out mathematically. But the other remaining issue
21 is their request for additional attorney's fees because of the appeal's filed and other
22 things that have gone on in this case.

23 So I mean that's sort of where we're at in terms of getting a final, final
24 amount. I mean, I -- you know, all we can really do is I make a decision as to the
25 interest and then the Motion -- when is the Motion for additional attorney's fees

1 coming up?

2 MR. OLSEN: We -- I think we did get it.

3 MS. DUFORD: I think it's March 28th.

4 MR. OLSEN: What is it?

5 MS. DUFORD: March 28th.

6 THE COURT CLERK: March 20th.

7 MR. OLSEN: I think it's March 28th, is that right?

8 THE COURT: Okay.

9 THE COURT CLERK: The 20th.

10 MR. OLSEN: The 20th.

11 THE COURT: So I mean -- you know, did you provide your billing?

12 MR. OLSEN: Yes.

13 MS. DUFORD: Yes.

14 THE COURT: Okay. All right. All right, so -- I mean, I'll make a decision in
15 terms of whether or not any additional attorney's fees are -- and then you'll -- that --
16 you'll have at that point in time, you know, what the judgment is that's outstanding.

17 MR. MOLINA: So we would just request that the judgment debtor's exam be
18 continued until after that hearing. Because, again, our client can pay. It's not
19 necessary to put her through the stress of a judgment debtor's exam and -- you
20 know, turning over all of her personal financial records. She can pay. She's got
21 money here today; checks taken out of her bank to pay.

22 THE COURT: Well, I mean, I can move up -- let's see. I can move up the
23 hearing. Let's see, this is what? The 14th?

24 THE COURT CLERK: Uh-huh.

25 THE COURT: That's right, it's Valentine's Day. Move up the hearing on the

1 attorney's fees if you'd like?

2 MR. MOLINA: That would be fine. And, you know, whatever we can do to
3 expedite a resolution of these issues.

4 THE COURT: How much time do you need to respond?

5 MR. MOLINA: We can file a Response next week.

6 THE COURT: All right. And do you need any time for a Reply?

7 MR. OLSEN: I think we can handle a Reply in oral argument, Your Honor.

8 THE COURT: All right. So we'll order the Response to be filed a week from
9 today.

10 THE COURT CLERK: Okay.

11 [The Court and the Clerk confer]

12 THE COURT: We can do oral argument on the 28th and then, go ahead, and
13 submit an Order for a judgment debtor exam. Let's set it at least three weeks after
14 the 28th.

15 MR. OLSEN: No problem.

16 MR. MOLINA: All right. Thank you, Your Honor.

17 THE COURT: Okay.

18 THE COURT CLERK: So Plaintiff's Response to Defendant's Fifth Motion for
19 Attorney's Fees and Costs is due February 21st. The hearing on the oral arguments
20 will be February 28th at 11 a.m., okay. And then the Order for the judgment debtor
21 exam three weeks after that.

22 THE COURT: And I'm going to continue the issue as to the interest to the
23 28th and that way I'll take one final look at the cases you've all cited and try to do my
24 own reading on those --

25 MR. OLSEN: Perfect.

1 THE COURT: -- and make a ruling at that point in time.

2 MR. MOLINA: Excellent.

3 MR. OLSEN: That's great.

4 THE COURT: All right.

5 MR. MOLINA: Thank you.

6 MR. OLSEN: Thank you, Your Honor.

7 THE COURT: Very good.

8 [Proceedings concluded at 10:12 a.m.]

9 * * * * *

10
11 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
12 visual recording of this proceeding in the above-entitled case.

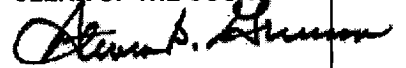
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Exhibit B

**Hearing transcript 12/19/2020
15:11-20**

Attorney Olsen rejected the distribution of his arbitration award



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 BETTY CHAN, ET AL.,)
8)
9 Plaintiffs,)
10)
11 vs.)
12 WAYNE WU, ET AL.,)
13)
14 Defendants.)

CASE NO. A-16-744109-C
DEPT. NO. 20

15 BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT JUDGE
16 WEDNESDAY, DECEMBER 9, 2020 AT 10:45 A.M.

17 **RECORDER'S TRANSCRIPT RE:**
18 **PLAINTIFFS' MOTION TO STAY EXECUTION PENDING APPEAL (ON AN**
19 **EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME)**

20 APPEARANCES BY VIDEOCONFERENCE:

21 FOR THE PLAINTIFFS: R. DUANE FRIZELL, ESQ.

22 FOR THE DEFENDANTS: MICHAEL A. OLSEN, ESQ.
23
24

25 Recorded by: ANGIE CALVILLO, COURT RECORDER

1 (WEDNESDAY, DECEMBER 9, 2020 AT 10:45 A.M.)

2 THE COURT: All right. Betty Chan versus Wayne Wu, Case
3 Number A744109. Counsel, please note your appearances for the record. I see
4 faces, I hear nothing.

5 MR. OLSEN: I think Mr. Frizell is on mute. This is Michael Olsen,
6 Bar Number 6076, on behalf of the Defendants.

7 THE COURT: Mr. Frizell –

8 THE COURT RECORDER: Mr. Frizell, you are on mute. You need
9 to unmute.

10 THE COURT: Still can't hear you, Mr. Frizell.

11 THE COURT RECORDER: Unmute both your audio, your phone
12 and your computer. Can you read that? I can't read it, but calling in? Again,
13 yes. Okay. He's going to call in.

14 THE COURT: All right.

15 THE COURT RECORDER: Mr. Frizell, do you just want to log in by
16 phone? Okay.

17 MR. FRIZELL: This is Duane Frizell. Can you hear me now?

18 THE COURT: Yes.

19 MR. FRIZELL: Oh, okay. Great. Well, Duane Frizell, Number
20 9807, here on behalf of the Plaintiffs in this action.

21 THE COURT: All right. We're on for Plaintiffs' Motion to Stay
22 Execution Pending Appeal. I received the motion, received the opposition. To
23 be frank, Mr. Frizell, as a general principle, I don't grant stays. I generally feel –
24 you know, I enter a ruling because I believe it's the right ruling and I leave it up to
25 the Supreme Court. Last time I did it because defense counsel, he indicated that

1 he would support a stay if I required a substantial bond so I went ahead and did it
2 then, but I wouldn't consider doing it again in this instance unless a substantial
3 bond was entered. So I don't know if Ms. Chan is still interested in putting up
4 more money.

5 MR. FRIZELL: Well, Your Honor, the short answer to that question
6 is, yes, but I -- unless you have any other questions specifically for me there's a
7 few points I would like to address with you.

8 THE COURT: Sure.

9 MR. FRIZELL: Okay. I would just cite to Rule of Civil Procedure
10 62(d)(2) which -- and I'm reading here, says, if an appeal is taken, a party is
11 entitled to a stay by providing a bond or other security. So I would just say that
12 on this reading of this 62(d)(2) that Ms. Chan would be entitled to a bond or other
13 security. And I understand the Court's concern with respect to what that security
14 should be, and so my short answer is -- turning back to my short answer is that,
15 yes, Ms. Chan is willing to post a higher bond.

16 We have gone through the opposition and the calculations are
17 kind of all over the place, at least that's the way I read it. At one point it says a
18 \$50,000 bond, in another place it says a \$100,000 bond. We have calculated,
19 Your Honor, with simple interest, which is what is required under the *Torres*
20 *versus Goodyear* case, I'll just cite that, 130 Nev. 22 -- *Torres versus Goodyear*,
21 130 Nev. 22, we have calculated simple interest on the first attorney fee award at
22 a little over -- well, at about 2,500.

23 And just so that it's clear here, the first award was \$22,415.83.
24 We have calculated simple interest on that to be \$2,589.49 per the statutory
25 terms under I believe it's 17.130, NRS 17.130. We have calculated a little bit of

1 simple interest since November 23rd of the second award of \$87.12. That award
2 was for \$35,630. So what this brings us to is if you add the two awards and the
3 two interests up to date that takes us to \$60,722.44. Now, in *McCulloch versus*
4 *Jeakins*, J-e-a-k-i-n-s, in 99 Nev. 122 – *McCulloch versus Jeakins*, 99 Nev. 122
5 the Supreme Court held that a supersedeas bond should usually be set in an
6 amount that will permit full satisfaction although a District Court may provide for a
7 lesser amount.

8 And so the purpose for that obviously is because we are – if a
9 case is – if execution is stayed then they – a party that would seek execution
10 would be protected at least up to the amount that they could execute upon. We
11 would submit that that amount would be the current \$60,722.44 that I mentioned
12 plus an additional two years' interest which would be on appeal, so while the
13 case is probably pending on appeal for an additional 6,000. Anyways, we come
14 to a total bond of \$66,000 -- \$66,817.25. The previous bond was set at
15 \$33,533.75, so if you subtract the judgments and the interest through two years
16 from today, if you subtract from that amount the previous bond, then a
17 supplemental bond would be required in the amount of \$33,283.50 and we
18 believe that that would be the appropriate amount of the bond.

19 I would like to address some of the points in the opposition
20 quickly. The first point in the opposition states that Ms. Chan may not now
21 challenge the order confirming arbitration award. We have, in fact, in our notice
22 of appeal or rather more particularly in our amended notice of appeal that we
23 filed yesterday did raise that order in the notice of appeal, and under NRS.
24 38.247(1)(f) it states that an arbitration award can be – well, actually that rule
25 states that an arbitration award can be appealed at various junctures, and one of

1 the junctures is when the judgment in the case involving the appeal – involving
2 the award is final.

3 Previously the Supreme Court dismissed the case because it
4 was not final. We – prior to that dismissal we came to this Court asking it to
5 certify that provision as being final. Mr. Olsen and the Defendants objected, and
6 the Court determined that it would not certify so the case was dismissed. But
7 now the case is final and the final judgment by this Court's own terms has stated
8 that it is final and so that it would be appropriate to appeal now. And we have, in
9 fact, appealed that, and in any event if that appeal is improper then that would be
10 a matter that we submit would be a matter for the Supreme Court to determine.

11 Let's talk a little bit about the – the commission award by
12 GLVAR or GLVAR. We – the Defendants state that we are objecting to that
13 release of that money, and, Your Honor, we are not. In our – in our motion we
14 specifically stated that the commissions there should be released, the amount
15 pursuant to the arbitration award. Your Honor has not altered the award. In fact,
16 Your Honor has affirmed it, confirmed it and so we would state that the funds
17 therein should be distributed according to that award.

18 I know -- unless you got a (indiscernible) I'm not going to state
19 those amounts, but the award states what the award states and whatever
20 amount the award states should go to the Defendants, then they should receive it
21 and whatever amount Ms. Chan receives then she would receive it. So we're not
22 seeking a stay of that release of those funds at this time. We – again, we've
23 talked about the calculations and how the calculations in the opposition are just –
24 it's hard to follow their math. I really spent some time trying to follow their math
25 but the long and the short of it is it's not a correct calculation, and we would

1 submit that the number that I've just presented to the Court for a supplemental
2 bond in 33,000 and some change would be an appropriate bond on this appeal.

3 And, you know, if Your Honor -- we would -- my client has
4 asked that because this is not -- altogether with the supplemental bond and the
5 previous bond that we're looking at over \$66,000, my client has asked if that
6 money cannot be put into a blocked account so it can earn interest which, of
7 course, would be to the benefit of everybody. But I just submit that that's what
8 should be done here. It's a substantial bond, my client is willing to post it and it
9 would give the Defendants adequate security for what they need going forward.

10 The case -- I know Your Honor has been frustrated with this
11 case and has a number of times mentioned that and I appreciate that. I haven't
12 been involved in it since -- I've been involved since, I guess, the beginning of last
13 year, but the issue is one of first impression. The issue of whether or not there
14 could be more than one procuring cause or more than one procuring agent is an
15 issue that the Nevada Supreme Court, while we believe there's precedent in our
16 favor, that the Supreme Court has not come out and specifically spoken one way
17 or the other on the matter. And so we think it's an important matter to bring to
18 the Supreme Court for some guidance for real estate agents all over the state,
19 and it would not be fair to my client for an execution to be made upon her if, in
20 fact, the Supreme Court goes our way with that ruling, and in any event the bond
21 would fully protect the Defendant.

22 THE COURT: Okay. No. Well, I'll hear from Defendant, but your --
23 your general thoughts were consistent with my general thought. I just didn't
24 know if Ms. Chan was wanting to come up with the additional, you know, 30
25 some thousand dollars. So when I said I would be requiring a substantial bond

1 that was sort of where I was looking at. So you're saying she is, and let me hear
2 from defense counsel.

3 You're on mute.

4 THE COURT RECORDER: Oh, I'm sorry. I probably muted him.
5 Just a moment. Sorry, Mr. Olsen.

6 MR. OLSEN: No problem. Can you hear me now?

7 THE COURT: Yes.

8 MR. OLSEN: Okay. Thank you. Your Honor, as you well know
9 here we are about \$100,000 in attorney's fees and costs in this case. I would
10 assume that Ms. Chan is about the same, you know, \$200,000 fighting over a
11 \$13,000 commission, and it is our position at this point now we're facing the
12 second appeal to the Supreme Court on this matter, that they are not entitled to a
13 stay, and the reason we say that, Your Honor, is because they failed on their first
14 appeal. They put up a bond, and counsel is correct the number was
15 approximately \$33,000, was put up as a bond on the first appeal, that appeal was
16 dismissed in my clients' favor and that bond was security for that appeal and we
17 believe we're entitled to that bond.

18 But more significantly, Your Honor, I think it's important to
19 understand what is left to be appealed. The Supreme Court was very clear on
20 what was left to be appealed on this issue in their order from May of this year,
21 and, Your Honor, I'm going to make an attempt here to screen share with you.
22 I'm not great with the technology I will admit, but I'm going to take a shot at it
23 here because I'd like to show the Court just very quickly what I'm referring to.
24 Your Honor, can you see this document now that I've pulled up?

25

1 THE COURT: I see you are sharing BlueJeans. Choose the screen
2 to share is what I have.

3 MR. OLSEN: All right. I'm trying to share that. Let me try that one
4 more time.

5 THE COURT RECORDER: So, Mr. Olsen, you'll pick up your
6 document on your desktop and then share your screen.

7 MR. OLSEN: Okay.

8 THE COURT RECORDER: Click the choose screen to share.
9 There you go.

10 MR. OLSEN: You got it?

11 THE COURT: Yeah.

12 MR. OLSEN: Okay. So this is Page 3 of the order from the
13 Supreme Court. The first first paragraph of Page 3 addresses the 2018 –
14 September 2018 order where this Court confirmed the arbitration award. Now,
15 Your Honor, I think it's important to understand we kind of have two matters
16 going here. We have the civil case in front of you but separately we had the
17 GLVAR arbitration. Upon completion of the GLVAR arbitration they filed a
18 motion to dispute the GLVAR arbitration award. We filed a counter motion to
19 confirm that award. That was granted.

20 The Supreme Court has deemed that issue final, and if you
21 look at this paragraph it addresses that very issue. It says, appellant –
22 appellants also seem to assert that the notice of appeal was timely filed from the
23 September 18th, 2018 order confirming arbitration award. That order was not
24 identified in the notice of appeal, and it does not appear reasonable to interpret
25 the notice of appeal and the documents filed therewith as challenging that order.

1 Skipping the quote – skipping the citation it says, however,
2 even if the notice of appeal is construed as a challenge to the September 18,
3 2018 order the notice of appeal was untimely filed on April 22nd, 2019, more than
4 30 days after a service of notice of entry of that order on September 21, 2018. I
5 don't think the Supreme Court could have been more clear in demonstrating that
6 that issue is dead, that ship has sailed, the ability to challenge the arbitration
7 award is over. They did not timely file an appeal of confirmation of the arbitration
8 award, therefore, it doesn't make sense that we would be stayed from collecting
9 on the first bond, number one, and on this Court's order giving us the totality of
10 the funds held by GLVAR.

11 Counsel misspoke when he said that we could only retrieve the
12 amount in the arbitration award. This Court specifically allowed us by virtue of
13 the last order to obtain the remainder of what's held by GLVAR. Now, Your
14 Honor, if they want to appeal the last order awarding attorney's fees they can do
15 that, and in that event they need to post a bond. I think really the only difference
16 we have with the numbers is that we believe that instead of just allowing – or just
17 requiring a bond for 35,000 plus simple interest the statutes and the case law
18 also allow you to add on to that an estimated amount for the cost of the appeal.

19 And so we're asking – that's why we're asking for 50,000. If
20 we're just talking about a bond for this appeal of the most recent decision – order
21 and we're allowed to collect on the initial bond and the GLVAR of some then –
22 then I agree that they only have to post a bond for the 35 plus – plus we're
23 asking for 15,000 to be added to that for our costs that are anticipated on appeal.

24 With regard to the calculation, Your Honor, what we did is we
25 calculated in the event that the Court finds that we are stayed from collecting on

1 anything, which, again, we think would be inappropriate given the Supreme
2 Court's clear order that they're too late to appeal the confirmation of the
3 arbitration award, but if the Court goes that direction then what we've asked for is
4 that they not only cover the initial bond but interest on that bond, which was
5 calculated in the spreadsheet that we provided in our brief, and then also provide
6 a bond for the 35,630, the most recent award, and \$15,000 in interest and
7 anticipated – or, I'm sorry, in anticipated attorney's fees and costs on appeal.

8 So that's how we came up with that figure, so we're asking for
9 a total bond in the event the Court determines that we are stayed from collecting
10 on anything, of \$103,741.92 total. So, again, you would back out the amount
11 that's currently held, the 33,000, and you would back out the GLVAR amount.

12 THE COURT: All right. Mr. Frizell, what about his calculations
13 concerning interest on the previous awards?

14 MR. FRIZELL: Is that question to me, Your Honor?

15 THE COURT: Yes, I'm sorry.

16 MR. FRIZELL: Okay. Your Honor, specifically to your question is
17 what were the interest calculations. Again, if you go by the statutes, and we're
18 talking NRS 17.130(2) where you take the prime rate plus 2 percent and you look
19 at what the Nevada Division of Finances has calculated as the prime rate and
20 you run it through the period then you calculate simple interest without
21 compounding, which they appear to have compounded which is error under the
22 *Torres versus Goodyear* case, if you calculate that for the first award of
23 \$22,415.83 we have come up with interest in the amount of \$2,589.49. For the
24 second award –

1 MR. OLSEN: I'm sorry, real quickly. If I could address that, the
2 interest should be calculated on the total amount of the bond award and not just
3 on the fee award. We're being prohibited from collecting on the \$33,000 bond.

4 MR. FRIZELL: Your Honor, if I could just finish my argument and
5 then –

6 THE COURT: Yeah. No. Let – I understand.

7 MR. FRIZELL: -- Mr. Olsen can state what he wants to state.

8 THE COURT: Let's -- let him finish his – Mr. Frizell finish his
9 argument.

10 MR. FRIZELL: Okay. On the second award it's \$35,630 -- \$35,630
11 was the second award and for less than a month of interest on that comes out to
12 \$87.12. If you add up the – these four numbers, the principal amounts of the two
13 awards and the two interest calculations, it comes out to \$60,722.44. If you add
14 an additional two years of simple interest from today, then the simple interest on
15 those two awards would be \$6,094.81. So if you add everything together, past
16 interest, future interest and principal amounts it comes out to \$66,817.25.

17 If you subtract out the amount of the previous bond, the
18 \$33,533.75, you come up with a difference of \$33,283.50 which would be the
19 amount we submit is an appropriate amount for the supplemental bond. As to
20 the GLVAR award, Your Honor, again, yes, the Court did say that they could
21 collect upon Ms. Chan's interest – or portion of that but that was only in terms of
22 execution. That would be pursuant to a writ of execution, Your Honor, which
23 we're seeking to stay right now, and it would be executing upon the judgment.

24 So that 3,000 that is hers would already be put in the
25 supplemental bond. They can't have a double protection. They can't take the 3

1 – her 3,000 and then have her post the bond – the supplemental bond. The
2 Court has not modified the award, and that – we say that that award should be
3 released according to the terms thereof as determined by GLVAR. In terms of
4 the appealability of the order confirming confirmation, I would say that we just
5 wholeheartedly disagree with Mr. Olsen's analysis. If you look at the NRS
6 38.247(f) it states that a final judgment entered is also grounds – is also time that
7 you can appeal.

8 Now, it offers five different times that you can appeal. One is
9 immediately upon the confirmation and another one is upon a final judgment,
10 and, I'm sorry, I'm just – I'm kind of having technical issues today, so I don't want
11 to upset the boat because everything is working right now, but if you'll turn to the
12 paragraph in the order that Mr. Olsen put up, if you'll turn to the paragraph right
13 before that, and this is on Page 2 of the exhibit to their opposition and I'm about
14 in the middle of the page with the paragraph where it says, second, if Your Honor
15 is there just reading it out loud it says, second, it appeared that the March 22,
16 2019 order may not be appealable pursuant -- as a final order because
17 appellants' has not been finalized.

18 And the finality – and then it goes on to say, the appellants
19 respond that the finality requirements are inapplicable because the appeal
20 challenges the confirmation and it does not defeat jurisdiction, and so then they
21 say that per the terms of the statute that we cite, that next sentence, accordingly
22 appellants appear to concede that the March 22, 2019 order is not appealable
23 under NRS 38.247(1)(f). That's the very section we are citing. And why is that
24 not appealable? Because it was not final at that time, that there was not a final
25 so we could appeal the previous award under this section.

1 Now, again, you know, obviously Mr. Olsen and I disagree on
2 our interpretation of that statute. I would submit with respect that that is an issue
3 that should be determined by the Supreme Court as to whether or not that is
4 appealable --

5 THE COURT: Let me -- let me --

6 MR. FRIZELL: -- and for the purposes of the bond today that we
7 would just ask that the 33,000 supplemental bond be required. We would also
8 state that -- we would ask the Court to allow for GLVAR to release the
9 commissions to both the parties pursuant to the arbitration award, and in terms of
10 interest on the bond it makes no sense to have interest on the already posted
11 bond because we've calculated interest on the judgment already, so that would
12 be double interest because the previous bond is to be toward principal and
13 interest and we've already calculated that in our supplemental bond amount. So
14 the \$33,000 amount is an appropriate supplemental bond.

15 THE COURT: What about counsel's contention that I should add
16 some into it for their costs in defending this on appeal?

17 MR. FRIZELL: Your Honor, the case that I would cite to, again, is
18 the *McCulloch versus Jeakins* case, and that is 99 Nev 122, and it states that the
19 bond should be set in an amount that will meet full satisfaction of the judgment.
20 Those future attorney fees have not been awarded. Mr. Olsen could not execute
21 upon those future attorney fees now. He would have to wait until the future to
22 execute upon them, and, therefore, that is something that should not be included
23 in the bond.

24 If, in fact, Mr. Olsen does receive or Defendants do receive
25 attorney fees post appeal then that matter can be addressed then, but right now

1 it's premature, it's more than the amount that's allowed under the *McCulloch*
2 case and it is not currently something that they're entitled to, so there's no
3 purpose for a bond in that amount. And I would also – I mean that's – I would
4 say that that is premature at this point. I would say, however, Your Honor, that if
5 the appeal goes beyond two years, that Mr. Olsen could come to this Court and
6 say, hey, we want another year's interest to supplement the bond. I think that
7 would be appropriate but for now I think we should set the \$33,000 figure.

8 THE COURT: All right.

9 MR. OLSEN: Your Honor, could I just address two quick issues?

10 THE COURT: Yes.

11 MR. OLSEN: Just to avoid confusion, counsel and I are talking past
12 each other in terms of arguing which orders are appealable. He's talking about a
13 March 2019 order. I'm talking about the March 18, 2018 order confirming
14 arbitration. The Supreme Court could not have been more clear that the time
15 period to appeal that order has passed, and he's talking about – again, there's
16 sort of two issues here and we can't conflate the two. One is the orders
17 regarding the litigation before this Court, the other is an order confirming an
18 arbitration award from GLVAR. They are separate issues, and the Supreme
19 Court has been very clear that an appeal of that order – an appeal of the order
20 confirming the award has passed.

21 And so anyway, I'll leave that issue, but with regard to the
22 bond, Your Honor, the case law – I believe it was also the *McCullough Jeakins*
23 case indicates that the Court has discretion to increase the bond amount by an
24 estimated amount for attorney's fees and costs, so that's up to the Court's
25 discretion.

1 THE COURT: Okay. All right. Well, I tend to agree with Mr. Olsen
2 that I think the Supreme Court has indicated that the ship has sailed on the – on
3 the GLVAR arbitration, but, you know, I am inclined to issue the stay in the
4 amount of the \$33,283 and you can easily – and if your interpretation is correct,
5 the Supreme Court can lift that portion of the stay as it relates to that and it
6 shouldn't take that much effort to get that part done. The rest of it, I'm not
7 inclined to give an estimate as far as the appeal's money. I'd ask you to come
8 back to the Court and seek it under the contract after the litigation is done. So I
9 will issue a stay in the amount of the \$33,283.60. It's additional bond to the – for
10 this appeal, and we'll go from there.

11 MR. OLSEN: Your Honor, just to clarify, then, we are stayed from
12 collecting on the first bond or the GLVAR funds at this time?

13 THE COURT: Well, that's – I was going to say he's indicating that
14 you can get the G – your share as per the G – of the GLVAR funds, but she
15 obviously would get her 3,000 or whatever dollars that the arbitration award
16 provided. So you can leave money there -- I would be -- if you want or we can
17 release it. What do you want to do?

18 MR. OLSEN: Your Honor, let's leave it all there. I don't want to
19 release the funds to her, and I'd rather have the opportunity to come back and
20 collect based on your order.

21 THE COURT: Okay. All right. Mr. Frizell, any problem there?

22 MR. FRIZELL: We do not have a problem with keeping those funds
23 there, however, we were saying that, you know, counsel (indiscernible) we do not
24 have a problem with that.
25

1 THE COURT: All right. We'll leave them there, then. I'll ask Mr.
2 Frizell to prepare an order.

3 MR. FRIZELL: Thanks, Your Honor, and the (indiscernible).

4 THE COURT: Mr. Frizell, you are breaking up horribly.

5 MR. FRIZELL: Okay. Can you hear me better now?

6 THE COURT: A little.

7 MR. FRIZELL: What about now? Can you hear me better now?

8 THE COURT: I hear you pretty good now.

9 MR. FRIZELL: Okay. Good. Then I'll speak to you with the phone
10 to my ear. (indiscernible). Your Honor, I just want to be clear that the GLVAR
11 funds, those are to be – all of those, the entire amount, (indiscernible) whatever it
12 is is to be kept with GLVAR; correct?

13 THE COURT: Right.

14 MR. FRIZELL: Okay. And then my client has asked that because
15 this bond, the two bonds together that come out to, you know, 66 some odd
16 thousand, we would (indiscernible) that be put in an interest bearing blocked
17 (indiscernible). That's her request.

18 THE COURT: I think that just complicates things. But, Mr. Olsen,
19 what do you think?

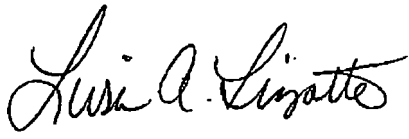
20 MR. OLSEN: No, Your Honor. We would just rather have it kept
21 with the Clerk of the Court just as we did with the first bond.

22 THE COURT: Yeah. I think that just complicates things. I'm not
23 going to order that.

24 MR. FRIZELL: Then one other housekeeping matter is we have a
25 hearing for January 6th that was originally scheduled (indiscernible).

1 THE COURT: I'm sorry. You mean the regular scheduled –
2 MR. FRIZELL: Yes.
3 THE COURT: -- hearing date?
4 MR. FRIZELL: Yes. I believe it's – I believe it's still on calendar.
5 THE COURT: All right. We'll vacate that.
6 MR. FRIZELL: Okay. Thank you, Your Honor. I understand I will
7 prepare an order and (indiscernible) Mr. Olsen.
8 THE COURT: Okay.
9 MR. OLSEN: Thank you.
10 THE COURT: All right. Thank you.
11 MR. OLSEN: Be well and Happy Holidays.
12 MR. FRIZELL: Thank you. Bye-bye.
13 THE COURT: You too.
14 MR. FRIZELL: Yeah. Happy Holidays, everybody. Take care.
15 THE COURT: Happy Holidays.
16 (Whereupon, the proceedings concluded.)

17 * * * * *
18
19 ATTEST: I do hereby certify that I have truly and correctly transcribed the
20 audio/visual proceedings in the above-entitled case to the best of my
21 ability.

22
23  —
24 LISA A. LIZOTTE
25 Court Recorder

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3 **Certificate of Service**
4

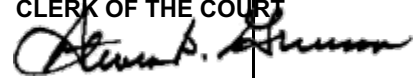
5 I hereby certify that on the 12th day of April 12, 2024, service of the
6 foregoing:

7 1) Notice of Appeal and 2) Case Appeal Statement

8 were submitted to the above-entitled Court for electronic filing and service
9 upon the Court's Service List for the above-referenced case.
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13 */s/ Darrie Lau*

14 An Individual over 18 years old
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ASTA

**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, Broker; Asian American Realty & Property Management
2. Judge: Eric Johnson
3. Appellant(s): Betty Chan, Broker; Asian American Realty & Property Management

Counsel:

Betty Chan, Broker
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
Permission Granted: N/A

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

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

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

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

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

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

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

20 Type of Judgment or Order Being Appealed: Misc. Order

21 11. Previous Appeal: Yes

22 Supreme Court Docket Number(s): 78666, 82208, 87506, 87725

23 12. Child Custody or Visitation: N/A

24 13. Possibility of Settlement: Unknown

1
2 Dated This 15 day of April 2024.

3 Steven D. Grierson, Clerk of the Court

4
5 /s/ Cierra Borum

6 Cierra Borum, Deputy Clerk

7 200 Lewis Ave

8 PO Box 551601

9 Las Vegas, Nevada 89155-1601

10 (702) 671-0512

11 cc: Betty Chan, Broker; 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
87506
87725

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

Plaintiff	Asian American Realty & Property Management	Shiple, Aaron D. <i>Retained</i> 7028734100(W)
	Chan, Betty	Shiple, Aaron D. <i>Retained</i> 7028734100(W)
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>

CASE SUMMARY**CASE NO. A-16-744109-C**

702-855-5658(W)

Sullivan, Judith**Olsen, Michael A.**
Retained











702-855-5658(W)

Wu, Wayne**Olsen, Michael A.**
Retained

702-855-5658(W)

**Counter
Defendant****Chan, Betty****Shipley, Aaron D.**
Retained

7028734100(W)

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>	

CASE SUMMARY

CASE NO. A-16-744109-C

12/19/2016	 Reply to Counterclaim Filed by: Counter Defendant Chan, Betty <i>[11] Reply to Counterclaim</i>
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

CASE SUMMARY


CASE NO. A-16-744109-C


	<p>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></p>
02/10/2017	<p> Amended Filed By: Counter Defendant Chan, Betty <i>[24] Amended Reply to Counterclaim</i></p>
02/14/2017	<p> 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></p>
02/16/2017	<p> Stipulation and Order Filed by: Counter Defendant Chan, Betty <i>[26] Stipulation and Order to Continue Hearing</i></p>
02/28/2017	<p> 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></p>
03/30/2017	<p> 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></p>
04/03/2017	<p> 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></p>
04/17/2017	<p> 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></p>
05/04/2017	<p> Notice of Appearance Party: Counter Defendant Chan, Betty <i>[31] Notice of Appearance</i></p>
05/09/2017	<p> 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></p>
07/02/2018	<p>Case Reassigned to Department 20 <i>Reassigned From Judge Leavitt - Dept 12</i></p>
07/18/2018	<p> 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></p>
08/06/2018	<p> 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></p>
08/07/2018	<p> Initial Appearance Fee Disclosure</p>


CASE SUMMARY


CASE NO. A-16-744109-C


[35] Initial Appearance Fee Disclosure


08/15/2018  Reply in Support
Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management
[36] Reply In Support Of Motion to Vacate or Modify Arbitration Award and Opposition to Countermotions


08/21/2018  Change of Address
Filed By: Defendant KB Home Sales-Nevada Inc
[37] Change of Address of Attorneys for Defendant KB Home Sales - Nevada, Inc.


09/05/2018  Supplement
Filed by: Counter Claimant Wu, Wayne
[38] First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorne Fees


09/12/2018  Supplement
Filed by: Counter Claimant Wu, Wayne
[39] Supplement to First Supplement to Countermotion to Recognize Wu as the Procuring Cause, for Summary Judgment, and for Attorney Fees


09/18/2018  Order
Filed By: Counter Claimant Wu, Wayne
[40] Order Denying Motion to Vacate or Modify Arbitration Award


09/18/2018  Notice of Entry of Order
Filed By: Counter Claimant Wu, Wayne
[41] Notice of Entry of Order


09/20/2018  Certificate of Service
Filed by: Counter Claimant Wu, Wayne
[42] Certificate of Service


09/21/2018  Certificate of Service
Filed by: Counter Claimant Wu, Wayne
[43] Certificate of Service

09/25/2018  Declaration
Filed By: Counter Claimant Wu, Wayne
[44] Declaration of Service

10/04/2018  Stipulation and Order
Filed by: Counter Defendant Chan, Betty
[45] Stipulation and Order Extending Briefing and Continuing Hearing

10/09/2018  Substitution of Attorney
Filed by: Counter Defendant Chan, Betty
[46] Substitution of Attorneys

10/12/2018  Motion to Extend
Party: Counter Defendant Chan, Betty
[47] Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date

10/15/2018  Notice of Entry
Filed By: Counter Defendant Chan, Betty

CASE SUMMARY

CASE NO. A-16-744109-C

[48] Notice of Entry of Order on Shortening Time

10/15/2018



Opposition

[49] Opposition to Motion to Extend Briefing on Order Shortening Time and Continue Hearing

10/25/2018



Supplement

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

10/29/2018



Reply

[52] Reply to Plaintiffs Supplement

10/30/2018



Certificate of Service

Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management
[51] Certificate of Service

10/31/2018



Memorandum of Costs and Disbursements

Filed By: Counter Claimant Wu, Wayne
[53] Memorandum of Costs and Disbursements

11/14/2018



Transcript of Proceedings

[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

12/31/2018



Transcript of Proceedings

[55] All Pending Motions, August 22, 2018

01/03/2019



Motion to Withdraw As Counsel

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management
[56] Motion to Withdraw As Counsel of Record

01/25/2019



Recorders Transcript of Hearing

[57] Plaintiffs' Motion to Extend Briefing on Order Shortening Time and Continue Hearing Date, October 17, 2018

01/29/2019



Notice of Change of Firm Name

Filed By: Counter Claimant Wu, Wayne
[58] Notice of Change and Firm Name

02/19/2019



Motion

[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

03/08/2019



Opposition to Motion

[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

03/21/2019



Order Granting Motion

[61] Order Granting Motion to Withdraw As Counsel of Record

CASE SUMMARY

CASE NO. A-16-744109-C

03/21/2019	 Notice of Entry of Order <i>[62] Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record</i>
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 replacement</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 Shortening 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

CASE SUMMARY

CASE NO. A-16-744109-C

[75] Motion to Vacate notice of Entry of Order Granting Shortening Time

04/14/2019



Supplement

Filed by: Counter Defendant Chan, Betty

[76] Supplemental to Plaintiffs' Opposition to Writ of Execution Filed on 4/7/2019

04/15/2019



Supplement

Filed by: Counter Defendant Chan, Betty

[77] Supplemental Attachment to plaintiffs's motion filed on 4/1/2019 for reconsideration

04/22/2019



Notice of Appeal

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

[78] Notice of Appeal

04/22/2019



Case Appeal Statement

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

[79] Case Appeal Statement

04/24/2019



Notice of Appearance

Party: Counter Defendant Chan, Betty

[80] Notice of Appearance

04/24/2019



Motion for Stay of Execution

Filed By: Counter Defendant Chan, Betty

[81] Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)

04/25/2019



Case Appeal Statement

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

[82] Case Appeal Statement

04/25/2019



Writ Electronically Issued

[83] Writ of Execution

04/26/2019



Notice of Motion

[84] Notice of Motion; Order Shortening Time; Stay of Execution

04/26/2019



Notice of Entry of Order

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

[85] NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF EXECUTION

04/26/2019



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[86] Certificate of Service

04/29/2019



Opposition

[87] Partial Opposition to Plaintiff's Motion to Stay Execution

04/29/2019



Notice

[88] Notice of Production of Documents in camera

05/01/2019
















Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[89] Certificate of Service

CASE SUMMARY

CASE NO. A-16-744109-C

05/01/2019	 Transcript of Proceedings <i>[90] Defendant's Motion For Writ of Execution, April 17, 2019</i>
05/01/2019	 Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[91] ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL</i>
05/01/2019	 Notice of Entry of Order Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[92] NOTICE OF ENTRY OF ORDER ON PLAINTIFFS MOTION TO STAY EXECUTION PENDING APPEAL</i>
05/03/2019	 Order <i>[93] Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw</i>
05/03/2019	 Miscellaneous Filing Filed by: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[94] Transcript Request Statement</i>
05/06/2019	 Notice of Entry of Order <i>[95] Notice of Entry of Order Denying Plaintiffs' Motion to Reconsider Order Granting Motion to Withdraw and Late-Filed Opposition to Motion to Withdraw</i>
05/07/2019	 Notice of Posting Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management <i>[96] PLAINTIFFS NOTICE OF POSTING SUPERSEDEAS BOND</i>
12/11/2019	 Notice of Hearing <i>[97] Notice of Hearing</i>
01/07/2020	 Motion Filed By: Counter Defendant Chan, Betty <i>[98] Plaintiffs' Motion to Formally Resolve Motion for Reconsideration and to Certify Judgment as Final (on an Application for an Order Shortening Time)</i>
01/08/2020	 Clerk's Notice of Hearing <i>[99] Notice of Hearing</i>
01/10/2020	 Order Shortening Time Filed By: Counter Defendant Chan, Betty <i>[100] Notice of Motion; Order Shortening Time</i>
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 <i>[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</i>
01/16/2020	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[102] Certificate of Service</i>
01/22/2020	 Reply in Support

CASE SUMMARY

CASE NO. A-16-744109-C

Filed By: Counter Defendant Chan, Betty

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

[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 or Process Claim

03/10/2020



Notice of Entry of Order

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

[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

04/06/2020



Amended Notice of Appeal

Party: Counter Defendant Chan, Betty

[106] Plaintiffs Amended Notice of Appeal

05/29/2020



Notice of Change of Hearing

[107] Notice of Change of Hearing

06/04/2020



Motion for Summary Judgment

Filed By: Counter Claimant Wu, Wayne

[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

06/04/2020



Clerk's Notice of Hearing

[109] Notice of Hearing

06/05/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[110] Certificate of Service

06/09/2020



NV Supreme Court Clerks Certificate/Judgment - Dismissed

[111] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

06/25/2020



Motion to Strike

Filed By: Counter Defendant Chan, Betty

[112] 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)

06/26/2020



Clerk's Notice of Hearing

[113] Notice of Hearing

06/26/2020



Order Shortening Time

Filed By: Counter Defendant Chan, Betty

[114] NOTICE OF MOTION; ORDER SHORTENING TIME

06/29/2020



Opposition

[115] Opposition to Motion to Strike

07/08/2020



Opposition and Countermotion

Filed By: Counter Defendant Chan, Betty

CASE SUMMARY

CASE NO. A-16-744109-C

[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

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

[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

07/15/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[118] Certificate of Service

07/17/2020



Notice of Change of Hearing

[119] Notice of Change of Hearing

08/11/2020



Memorandum

[120] Memorandum for Production of Invoices

08/12/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[121] Certificate of Service

08/12/2020



Notice

Filed By: Counter Claimant Wu, Wayne

[122] Notice of Production of Document for In Camera Review

08/13/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[123] Certificate of Service

09/02/2020



Transcript of Proceedings

[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

09/02/2020



Transcript of Proceedings

[125] Transcript of Hearing: All Pending Motions, January 22, 2020

09/02/2020



Transcript of Proceedings

[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

09/02/2020



Transcript of Proceedings

[127] Transcript of Hearing: All Pending Motions, July 21, 2020

09/09/2020



Opposition and Countermotion

Filed By: Counter Defendant Chan, Betty

[128] 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

09/10/2020



Reply in Support

Filed By: Counter Claimant Wu, Wayne

CASE SUMMARY

CASE NO. A-16-744109-C

[129] Reply in support of Memorandum for Fees

09/11/2020



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[130] Certificate of Service

10/09/2020



Recorders Transcript of Hearing

[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

11/23/2020



Order

[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

11/23/2020



Notice of Entry of Order

Filed By: Counter Claimant Wu, Wayne

[134] Notice of Entry of Order

11/24/2020



Certificate of Service

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

[135] Certificate of Service

11/24/2020



Motion for Stay of Execution

Filed By: Counter Defendant Chan, Betty

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

11/30/2020



Clerk's Notice of Hearing

[137] Notice of Hearing

12/04/2020



Order

[138] Notice of Motion; Order Shortening Time; Stay of Execution

12/04/2020



Notice of Entry of Order

Filed By: Counter Defendant Chan, Betty

[139] NOTICE OF ENTRY OF NOTICE OF MOTION; ORDER SHORTENING TIME; STAY OF EXECUTION

12/08/2020



Objection

[140] Objection to Plaintiffs' Motion to Stay Execution Pending Appeal

12/08/2020



Notice of Appeal

Filed By: Counter Defendant Chan, Betty

[141] PLAINTIFFS NOTICE OF APPEAL

12/08/2020



Case Appeal Statement

Filed By: Counter Defendant Chan, Betty

[142] PLAINTIFFS CASE APPEAL STATEMENT

12/08/2020



Amended Notice of Appeal

Party: Counter Defendant Chan, Betty

[143] PLAINTIFFS AMENDED NOTICE OF APPEAL

12/22/2020



Notice of Appeal

CASE SUMMARY

CASE NO. A-16-744109-C

	<p>Filed By: Counter Claimant Wu, Wayne <i>[144] Notice of Cross Appeal</i></p>
12/22/2020	<p> Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[145] Certificate of Service</i></p>
01/14/2021	<p> 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></p>
02/01/2021	<p> Notice of Posting Filed By: Counter Defendant Chan, Betty <i>[147] PLAINTIFFS NOTICE OF POSTING SUPERSEDEAS BOND</i></p>
02/01/2021	<p> 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></p>
02/01/2021	<p> Recorders Transcript of Hearing <i>[149] Recorder's Transcript of Hearing: Status Check: Order, October 28, 2020</i></p>
02/01/2021	<p> Recorders Transcript of Hearing <i>[150] Recorder's Transcript of Hearing: Order/Case Status, November 18, 2020</i></p>
02/01/2021	<p> 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></p>
02/05/2021	<p> Notice Filed By: Counter Claimant Wu, Wayne <i>[152] Notice for Request of Transcript for Proceedings</i></p>
02/05/2021	<p> Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[153] Certificate of Service</i></p>
08/05/2021	<p> Certificate of Service <i>[154] Certificate of Service</i></p>
08/09/2021	<p> Order to Statistically Close Case <i>[155] Civil Order to Statistically Close Case</i></p>
11/29/2022	<p> NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[156] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i></p>
01/26/2023	<p> 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></p>
01/26/2023	<p> Notice Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin</p>

CASE SUMMARY

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[158] Notice of Production of Document for in Camera Review

01/28/2023



Clerk's Notice of Hearing

Party: Counter Claimant Wu, Wayne

[159] Notice of Hearing

01/30/2023



Certificate of Service

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

[160] Certificate of Service

02/14/2023



Opposition to Motion

Filed By: Counter Defendant Chan, Betty

[161] PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION FOR ATTORNEYS FEES AND COSTS

02/22/2023



Reply

Filed by: Counter Claimant Wu, Wayne

[162] REPLY IN SUPPORT OF MOTION FOR ATTORNEYS FEES AND COSTS

02/22/2023



Certificate of Service

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

[163] Certificate of Service

02/27/2023



Motion for Order Extending Time

Filed by: Counter Defendant Chan, Betty

[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)

02/27/2023



Clerk's Notice of Hearing

[165] Notice of Hearing

03/01/2023



Opposition to Motion

Filed By: Counter Defendant Chan, Betty

[166] Plaintiff's Supplementary Opposition to Defendants' Motion for Attorneys' Fees and Costs

03/14/2023



Order

[167] Order Granting Request To Release Bonds

03/14/2023



Notice of Entry of Order

Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith

[168] Notice of Entry of Order

03/15/2023



Certificate of Service

Filed by: Counter Claimant Wu, Wayne

[169] Certificate of Service

07/17/2023



Order

[170] Order Re: Defendants' Motion for Attorney's Fees and Costs

07/17/2023



Notice of Entry of Order

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

[171] Notice of Entry of Order

07/18/2023












CASE SUMMARY

CASE NO. A-16-744109-C

	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <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>







CASE SUMMARY

CASE NO. A-16-744109-C

09/20/2023	 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	













CASE SUMMARY

CASE NO. A-16-744109-C

	 Summons Issued <i>[197] Summons</i>
10/24/2023	 Case Appeal Statement <i>[198] Case Appeal Statement</i>
11/02/2023	 Order <i>[199] Order Denying Plaintiffs/Counter-Defendants' Motion to Request for Reconsideration and Granting in Part Defendants/Counterclaimants' Countermotion for Award of Attorney's Fees and Finding that Betty is a Vexatious Litigant</i>
11/11/2023	 Motion to Reconsider Filed By: Plaintiff Asian American Realty & Property Management <i>[200] Reconsideration of Order Dated 11/2/2023 Re: Untrue Accusation, No Circulation of Draft Order and Atty Fees Amount Not Submitted in August 14 Filing</i>
11/12/2023	 Supplemental Filed by: Plaintiff Asian American Realty & Property Management <i>[201] Supplemental interest calculation</i>
11/15/2023	 Notice of Entry of Order Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[202] Notice of Entry of Order</i>
11/15/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[203] Certificate of Service</i>
12/01/2023	 Notice of Appeal Filed By: Counter Defendant Chan, Betty <i>[204] Notice of Appeal</i>
12/05/2023	 Case Appeal Statement <i>[205] Case Appeal Statement</i>
12/06/2023	 Notice Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[206] Notice of Examination of Judgment Debtor and Subpoena Duces Tecum to the Persona Most Knowledgeable for Asian American Realty & Property Management</i>
12/06/2023	 Notice Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[207] Notice of Examination of Judgment Debtor and Subpoena Duces Tecum to Betty Chan</i>
12/06/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[208] Certificate of Service</i>
12/08/2023	 Ex Parte Application Party: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[209] Ex Parte Application for Order Requiring Judgment Debtor Examination</i>















CASE SUMMARY

CASE NO. A-16-744109-C

12/11/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[210] Certificate of Service</i>
12/13/2023	 Objection Filed By: Plaintiff Asian American Realty & Property Management <i>[211] Notice of Objection to Subpoena and Motion for protective order</i>
12/19/2023	 Declaration Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[212] Declaration of Attempted Service to Betty Chan</i>
12/19/2023	 Declaration Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[213] Declaration of Attempted Service to Asian American Realty & Property Management</i>
12/19/2023	 Declaration Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[214] Declaration of Service to Asian American Realty & Property Management</i>
12/21/2023	 Response Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[215] Response and Objection to Plaintiffs to (1) Notice of Objection to Defendants Notice of Examination of Judgment Debtor and Subpoena Duces Tecum to the Person Most knowledgeable for Asian American Realty Property (2) Motion for Protective Order Under Rule 26 C</i>
12/21/2023	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[216] Certificate of Service</i>
12/22/2023	 Notice of Appearance Party: Counter Defendant Chan, Betty <i>[217] Notice of Appearance</i>
01/26/2024	 Motion to Compel Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[218] Defedants' Motion to Compel Discovery and Request for Sanctions</i>
01/26/2024	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Chiu, Jerrin <i>[219] Certificate of Service</i>
01/29/2024	 Clerk's Notice of Hearing <i>[220] Certificate of Service</i>
01/29/2024	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[221] Certificate of Service</i>

CASE SUMMARY

CASE NO. A-16-744109-C

02/01/2024	 Court Recorders Invoice for Transcript <i>[222] USB Thumb Drive of 3-1-23 Hearing</i>
02/02/2024	 Recorders Transcript of Hearing <i>[223] Motion for Attorneys' Fees and Costs, March 1, 2023</i>
02/08/2024	 Response Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[224] Response to Betty's Objection to Award of Interest and Motion for Outstanding Interest on All Awards of Attorney's Fees to Date</i>
02/08/2024	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[225] Certificate of Service</i>
02/09/2024	 Motion for Attorney Fees and Costs Filed By: Counter Claimant Wu, Wayne <i>[226] Fifth Motion for Attorney's Fees and Costs</i>
02/09/2024	 Notice Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[227] Notice of Production of Documents for in Camera Review</i>
02/09/2024	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[228] Certificate of Service</i>
02/09/2024	 Opposition Filed By: Counter Defendant Chan, Betty <i>[229] Opposition to Motion to Compel Discovery and Request for Sanctions</i>
02/12/2024	 Clerk's Notice of Nonconforming Document <i>[230] Clerk's Notice of Nonconforming Document</i>
02/12/2024	 Clerk's Notice of Nonconforming Document and Curative Action <i>[231] Clerk's Notice of Curative Action</i>
02/12/2024	 Clerk's Notice of Hearing <i>[232] Notice of Hearing</i>
02/13/2024	 Certificate of Service Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin <i>[233] Certificate of Service</i>
02/13/2024	 Status Report Filed By: Counter Defendant Chan, Betty <i>[234] Status Report for February 14, 2024 Status Check Hearing</i>
02/15/2024	 Notice of Referral to Discovery Commissioner

CASE SUMMARY

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[235]

02/21/2024



Notice to Appear for Discovery Conference

[236] *Notice to Appear for Discovery Conference*

02/21/2024



Opposition

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

[237] *Opposition to Fifth Motion for Attorneys' Fees and Costs*

02/22/2024



Reply in Support

Filed By: Counter Claimant Wu, Wayne

[238] *Reply in Support of Fifth Motion for Attorneys' Fees and Costs*

02/23/2024



Certificate of Service

Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin

[239] *Certificate of Service*

02/28/2024



Court Recorders Invoice for Transcript

[240] *Written Transcript and USB of 2-14-24 -- Ms. Chan's bill*

02/28/2024



Recorders Transcript of Hearing

[241] *Hearing: Attorney's Fees; Status Check: Status of Judgment Debtor Exam, February 14, 2024*

03/01/2024



Recorders Transcript of Hearing

[242] *Defendants' Fifth Motion for Attorney's Fees and Costs and Hearing: Attorney's Fees/Prejudgment Interest, February 28, 2024*

03/06/2024



Order

[243] *Order Regarding Pending Motions*

03/06/2024



Notice of Entry of Order

Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin

[244] *Notice of Entry of Order*

03/07/2024



Certificate of Service

Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin

[245] *Certificate of Service*

03/07/2024



Order Shortening Time

[246] *Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time*

03/11/2024



Objection

Filed By: Counter Claimant Wu, Wayne

[247] *Objection to Plaintiffs/Counter-Defendants' Motion to Alter or Amend Judgment on Order Shortening Time*

03/12/2024



Certificate of Service

Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin

[248] *Certificate of Service*

03/12/2024



Reply in Support

CASE SUMMARY

CASE NO. A-16-744109-C

Filed By: Counter Defendant Chan, Betty; Plaintiff Asian American Realty & Property Management
[249] Reply in Support of Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time

- 03/13/2024  NV Supreme Court Clerks Certificate/Judgment - Dismissed
[250] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed
- 03/14/2024  Order
[251] Order Granting Defendants' Fifth Motion for Attorney's Fees
- 03/14/2024  Notice of Entry of Order
Filed By: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin
[252] Notice of Entry of Order
- 03/15/2024  Certificate of Service
Filed by: Counter Claimant Wu, Wayne; Counter Claimant Sullivan, Judith; Counter Claimant Nevada Real Estate Corp; Counter Claimant Chiu, Jerrin
[253] Certificate of Service
- 03/18/2024  Court Recorders Invoice for Transcript
[254] Written Transcript; USB of 3-14-24 Hearing -- Ms. Chan's bill
- 03/18/2024  Recorders Transcript of Hearing
[255] Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time, March 13, 2024
- 03/22/2024  Court Recorders Invoice for Transcript
[3.8.24 hearing]
- 03/25/2024  Recorders Transcript of Hearing
[257] Recorders Transcript of Hearing - Notice to Appear for Discovery Conference - Referral from Judge - Defendants' Motion to Compel Discovery and Request for Sanctions - heard on Mar. 8, 2024
- 04/09/2024  Discovery Commissioners Report and Recommendations
[258] DISCOVERY COMMISSIONERS REPORT AND RECOMMENDATIONS - 3.8.24
- 04/12/2024  Notice of Appeal
Filed By: Counter Defendant Chan, Betty
[259] Notice of Appeal
- 04/15/2024  Case Appeal Statement
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

CASE SUMMARY**CASE NO. A-16-744109-C**

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 Cor
 (Counter Claimant, Defendant)
 Judgment: 10/02/2023, Docketed: 10/03/2023
 Total Judgment: 23,057.21

11/02/2023 **Judgment for Attorney's Fees** (Judicial Officer: Johnson, Eric)
 Debtors: Betty Chan (Counter Defendant, Plaintiff), Asian American Realty & Property Management (Plaintiff)
 Creditors: Wayne Wu (Counter Claimant, Defendant), Judith Sullivan (Counter Claimant, Defendant), Nevada Real Estate Cor
 (Counter Claimant, Defendant), Jerrin Chiu (Counter Claimant, Defendant)
 Judgment: 11/02/2023, Docketed: 11/03/2023
 Total Judgment: 5,608.68
 Debtors: Betty Chan (Counter Defendant, Plaintiff), Asian American Realty & Property Management (Plaintiff)
 Creditors: Wayne Wu (Counter Claimant, Defendant), Judith Sullivan (Counter Claimant, Defendant), Nevada Real Estate Cor
 (Counter Claimant, Defendant), Jerrin Chiu (Counter Claimant, Defendant)
 Judgment: 11/02/2023, Docketed: 11/03/2023

03/14/2024 **Order** (Judicial Officer: Johnson, Eric)
 Debtors: Betty Chan (Plaintiff), Asian American Realty & Property Management (Plaintiff)
 Creditors: Wayne Wu (Counter Claimant, Defendant), Judith Sullivan (Counter Claimant, Defendant), Nevada Real Estate Cor
 (Counter Claimant, Defendant), Jerrin Chiu (Counter Claimant)
 Judgment: 03/14/2024, Docketed: 03/15/2024
 Total Judgment: 44,852.50

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)


CASE SUMMARY

CASE NO. A-16-744109-C

Plaintiffs' Motion for Stay Pending Arbitration
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. 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;

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 advise 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:

CASE SUMMARY

CASE NO. A-16-744109-C

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.;


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

CASE SUMMARY

CASE NO. A-16-744109-C




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.;

- 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

CASE SUMMARY

CASE NO. A-16-744109-C

*Shortening Time) and Demand for Supersedeas Bond and Countermotion to Amend Order
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 suppo
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 JUDGMEN
AS FINAL (ON AN APPLICATION FOR AN ORDER SHORTENING TIME)...OPPOSITION TO PLAINTIFF'S MOTION T
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 ORDEREL
Plaintiff's Motion is DENIED and Defendant's Motion is GRANTED IN PART/ DENIED IN PART. Mr. Frizell to prepare t
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 on
Plaintiff s Commissions Awarded by GLVAR Arbitration Pane land 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*

CASE SUMMARY

CASE NO. A-16-744109-C

Bond Deposited on Appeal and Countermotion for Summary Judgment on Defendants' Abuse-Of-Process Counterclaim 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: <i>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. ;</i>
12/09/2020	 Motion to Stay (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiffs Motion to Stay Execution Pending Appeal (on an Ex Parte Application For An Order Shortening Time)</i> Granted; Journal Entry Details: <i>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.;</i>
01/06/2021	CANCELED Motion for Stay of Execution (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Judge</i> <i>Plaintiff's Motion to Stay Execution Pending Appeal (on an Ex Parte Application for an Order Shortening Time)</i>
03/01/2023	 Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Johnson, Eric) Events: 01/26/2023 Motion <i>Defendants' Motion for Attorneys' Fees and Costs</i> Granted in Part; Journal Entry Details: <i>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;</i>
03/29/2023	CANCELED Motion for Order Extending Time (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Judge</i> <i>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>
09/15/2023	 Minute Order (3:00 AM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: <i>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.</i> <i>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</i>

CASE SUMMARY

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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;

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

Vacated - per Law Clerk

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

11/20/2023  **Minute Order (3:00 AM)** (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed the Motion for Reconsideration of Judge's Minute Order Dated September 15, 2023 in relation to Plaintiffs' Motion of Reconsideration filed on July 31, 2023 and another Motion filed on September 11, 2023 to Request of Extension of time to file Motion for Reconsideration and Motion to Toll deadlines to Respond to Defendant's Motions. On October 9, 2023 Defendants Objected to Plaintiff's Motion for Reconsideration. On October 16, 2023 the Plaintiffs filed their Reply in Support of their Motion. The Matter was subsequently scheduled for a hearing on November 15, 2023. After considering the pleadings and arguments of counsel, the Court hereby Denies Plaintiff's Motion for Reconsideration. Pursuant to EDCR 2.24, EDCR 5.516 a Motion for Reconsideration is proper when new facts or law are brought to light that would have a tendency to change the ruling in the case. Moore v. City of Las Vegas. Here, the Plaintiff has not alleged any new facts, law or evidence that has any tendency to change the Court's ruling from their July 17, 2023 order granting Defendants' Attorney Fees and Costs. Plaintiff asserts that they were merely attempting to make an "administrative filing" which would grant the more time to respond to the Defendants' filings, and would toll the briefing schedule for the Motion for Reconsideration.

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However, the Plaintiff was acting pro se, and both EDCR 7.42 and NRS 7.285 prohibit a corporation from being represented by anyone but an attorney. Here, as Plaintiff Betty Chan is not an attorney, and she has been filing motions and briefs on behalf of the Plaintiff AARPM, all of which include legal and factual analyses, the Plaintiff's Motions to Extend and Motion for Reconsideration are not proper in front of this Court. The Plaintiff brings up the contents of the Arbitration Agreement improperly in their Reply to the Defendants' Opposition. Plaintiffs' Motion for Reconsideration and Defendants' Opposition did not address the contents of the Arbitration Agreement, therefore, this issue should be addressed in a separate motion. Plaintiffs allege that they have not received any documentation to support Defendant's award of attorney fees and costs ordered on July 17, 2023. However, the documents filed under seal have been properly provided to the Plaintiff through email from the Defendants. Although such documents were provided to Plaintiffs in a redacted format, the redacted information is confidential, of which the Plaintiff is not entitled. The Court hereby VACATES the November 15, 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. 11.20.23kkm;

02/14/2024 **Hearing (8:30 AM)** (Judicial Officer: Johnson, Eric)*Hearing: Attorney's fees***MINUTES**

Continued;

SCHEDULED HEARINGS**Hearing (02/28/2024 at 11:00 AM)** (Judicial Officer: Johnson, Eric)*Hearing: Attorney's fees/Prejudgment interest*02/14/2024 **Status Check (8:30 AM)** (Judicial Officer: Johnson, Eric)*Status Check: Status of Judgment Debtor Exam*

Continued;

02/14/2024  **All Pending Motions (8:30 AM)** (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

HEARING: ATTORNEY'S FEES. . . STATUS CHECK: STATUS OF JUDGMENT DEBTOR EXAM Court stated it received the paperwork and noted its inclination was to agree with Plaintiff's counsel that not entitled as the attorney's fees weren't earned. Mr. Olsen argued in support of awarding attorney's fees. Mr. Molina advised they brought checks with them today and were prepared to pay what they believed was owed, therefore, a debtor exam would be moot. Court requested the counsel step out and discuss options. **MATTER TRAILED. MATTER RECALLED:** all parties present as before. Mr. Olsen advised they were unable to agree. Court stated it was good going forward with a debtor exam and directed Mr. Olsen to submit the order. Mr. Olsen and Mr. Molina argued in support and opposition of awarding prejudgment interest on Def't.'s attorney's fees. Court stated it could make a determination as to the prejudgment interest and rule on the pending motion as to additional attorney's fees later. Mr. Molina requested the judgment debtor exam be continued to after the hearing. Court suggested advancing the hearing. Mr. Molina agreed. Colloquy regarding response time. **COURT ORDERED, Plaintiff's response due 02/21/2024 and Def't.'s Fifth Motion for Attorney's Fees and Costs RESET to 02/28/2024. COURT FURTHER ORDERED, the issue of prejudgment interest CONTINUED. Court DIRECTED Defendant to submit an order for the judgment debtor exam to be set at least 3 weeks after the 02/28/2024 hearing. 02/28/2024 11:00 AM DEFT.'S FIFTH MOTION FOR ATTORNEY'S FEES AND COSTS PREJUDGMENT INTEREST CONTINUED: 02/28/2024 11:00 AM;**

02/15/2024  **Minute Order (3:00 AM)** (Judicial Officer: Johnson, Eric)




Minute Order - No Hearing Held;

Journal Entry Details:

On January 26, 2024 the Defendant, Wayne Wu filed a Motion to Compel. On February 9, 2024 the Plaintiff filed an Opposition to the Motion to Compel. The matter was subsequently scheduled for a hearing on February 28, 2024. After reviewing the parties' documents and arguments, the Court finds that the issues are discovery disputes. Therefore, pursuant to EDCR 2.34, the matter should first be heard by the Discovery Commissioner. The Court hereby VACATES the February 28, 2024 hearing, and a hearing in front of the Discovery Commissioner should be set according to their calendar. **CLERK NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 2.15.24kkm;**

02/28/2024 **CANCELED Motion to Compel (11:00 AM)** (Judicial Officer: Johnson, Eric)*Vacated - per Law Clerk**Defendant's Motion to Compel Discovery and Request for Sanctions*02/28/2024 **Motion for Attorney Fees and Costs (11:00 AM)** (Judicial Officer: Johnson, Eric)*Defendants' Fifth Motion for Attorney's Fees and Costs*

CASE SUMMARY**CASE NO. A-16-744109-C**

	Granted in Part;
02/28/2024	Hearing (11:00 AM) (Judicial Officer: Johnson, Eric) <i>Hearing: Attorney's fees/Prejudgment interest</i> Granted in Part;
02/28/2024	 All Pending Motions (11:00 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>DEFENDANT'S FIFTH MOTION FOR ATTORNEY'S FEES AND COSTS . . . HEARING: ATTORNEY'S FEES/PREJUDGMENT INTEREST. Court noted this was on for Defendant's motion for attorney's fees; it received the motion and opposition. Extensive arguments by counsel on the merits and opposition of the motion and prejudgment interest. COURT STATE its FINDINGS, and ORDERED, Defendant's Fifth Motion for Attorney's Fees and Costs GRANTED and AWARDED \$44,852.50 in fees. Mr. Olsen waived costs. Mr. Olsen to prepare the order on fees. As to prejudgment interest, Court stated it wanted to review cited cases noting it was leaning toward not allowing prejudgment interest but would allow counsel to file something on the order and interest by end of day Friday. Court took the issue of prejudgment interest UNDER ADVISEMENT. ;</i>
03/08/2024	 Discovery Conference (10:00 AM) (Judicial Officer: Ganz, Adam) <i>Notice to Appear for Discovery Conference - Referral from the Judge - Defendants' Motion to Compel Discovery and Request for Sanctions</i> MINUTES Granted; Journal Entry Details: <i>Commissioner disclosed that he knew one of the parties; all counsel and parties agreed to proceed and allow the Commissioner to hear the matter without a delay. Commissioner noted his concerns regarding the matter taken Under Advisement by the District Court. Argument by counsel. COMMISSIONER RECOMMENDED, Defendant's Motion to Compel Discovery GRANTED as written and the information is due within thirty days AFTER the District Court Judge makes the determination regarding the matter taken Under Advisement, assuming it does not resolve the case in its entirety COMMISSIONER FURTHER RECOMMENDED, the Request for Sanctions deferred to the District Court Judge as fee awards had already been made by the District Court. Mr. Grover to prepare the Report and Recommendation, and send to Mr. Molina to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within fourteen days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted the Discovery Office will vacate the Status Check. 04/05/2024 9:15 AM STATUS CHECK: COMPLIANCE 03/08/24 DCRR (MR. GROVER);</i> SCHEDULED HEARINGS CANCELED Status Check: Compliance (04/05/2024 at 9:15 AM) (Judicial Officer: Ganz, Adam) <i>Vacated</i> <i>Status Check: Compliance 3/8/24 DCRR (Mr. Grover)</i>
03/13/2024	 Motion (10:00 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time</i> Granted in Part; Journal Entry Details: <i>Skyler Thornton, Esq., Alea Duford, Esq. and Thomas Grover, Esq. present to observe. The Court stated that upon looking the materials provided by Plaintiff's Counsel that prejudgment interest on attorney's fees is not provided for by Nevada Statute. Following arguments from Counsel, COURT ORDERED, Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time, GRANTED IN PART. The Court clarified that this Motion is granted solely to the prejudgment interest. The Court further stated that prejudgment interest is not appropriate but the Court will not order any interest until Counsel competing orders are filed for post judgment interest.;</i>
04/05/2024	CANCELED Status Check: Compliance (9:15 AM) (Judicial Officer: Ganz, Adam) <i>Vacated</i> <i>Status Check: Compliance 3/8/24 DCRR (Mr. Grover)</i>

DATE**FINANCIAL INFORMATION**

Counter Claimant Chiu, Jerrin
 Total Charges
 Total Payments and Credits

30.00
 30.00

CASE SUMMARY**CASE NO. A-16-744109-C**

Balance Due as of 4/15/2024	0.00
Counter Claimant Nevada Real Estate Corp	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/15/2024	0.00
Counter Claimant Sullivan, Judith	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/15/2024	0.00
Counter Claimant Wu, Wayne	
Total Charges	1,057.00
Total Payments and Credits	1,057.00
Balance Due as of 4/15/2024	0.00
Plaintiff Asian American Realty & Property Management	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/15/2024	0.00
Counter Defendant Chan, Betty	
Total Charges	885.34
Total Payments and Credits	885.34
Balance Due as of 4/15/2024	0.00
Counter Claimant Wu, Wayne	
Appeal Bond Balance as of 4/15/2024	1,000.00
Plaintiff Asian American Realty & Property Management	
Supersedeas Bond Balance as of 4/15/2024	0.00
Plaintiff Asian American Realty & Property Management	
Appeal Bond Balance as of 4/15/2024	500.00
Counter Defendant Chan, Betty	
Appeal Bond Balance as of 4/15/2024	500.00
Counter Defendant Chan, Betty	
Appeal Bond Balance as of 4/15/2024	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

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
mike@blackrocklawyers.com
tom@blackrocklawyers.com
skyler@blackrocklawyers.com

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,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,
NEVADA REAL ESTATE CORP., JERRIN
CHIU, KB HOME SALES – NEVADA INC.,
DOES I through X, and ROES I through X,

Defendants/Counterclaimants.

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

**ORDER GRANTING DEFENDANTS' FIFTH MOTION FOR
ATTORNEY'S FEES**

This matter came on for hearing on February 28, 2024, before the Honorable Eric Johnson presiding on the Defendants' *Fifth Motion for Attorney's Fees* (hereafter "Fifth Motion"). The Court having read and considered the papers and pleadings on file and good cause appearing, therefore the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Court grants the Defendants' Fifth Motion and awards attorney's fees to Defendants in the amount of \$44,852.50. This award of fees is in addition to the four prior awards made by this Court. No costs are awarded as none were sought.

2. The Defendants' Fifth Motion is based on Ms. Chan's ongoing contractual obligation to pay the reasonable attorney's fees and costs the Defendants have incurred in seeking to enforce the arbitration agreement and the fees and costs previously awarded by this Court.

3. The fees requested were earned on the basis of Ms. Chan's continued litigation through motions to reconsider and appeals. The Court did, however, remove billing entries related to the matter of interest on prior awards as the same is a contested matter still subject to the Court's ruling.

CONCLUSIONS OF LAW

1. Ms. Chan is under an ongoing contractual obligation to pay reasonable attorney's fees and costs Defendants incur in seeking to enforce the arbitration agreement and the fees and costs previously awarded by this Court.

2. Accordingly, with the exception of fees incurred related to the matter of interest on prior judgments, this Court awards an additional \$44,852.50 in attorney's fees to Defendants.

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- as none were sought.

Eric Johnson

E17 8DD F77B 0248
Eric Johnson
District Court Judge

Reviewed as to form and content by:

/s/ J. Christopher Molina, Esq.
AARON D. SHIPLEY, ESQ.
Nevada Bar No. 8258
J. CHRISTOPHER MOLINA, ESQ.
Nevada Bar No. 14092
MCDONALD CARANO LLP
Attorneys for Plaintiffs/Counter-Defendants

From: [Christopher Molina](#)
To: [Alea Duford](#)
Cc: [Mike Olsen](#); [Aaron Shipley](#); [Samantha Catelo](#)
Subject: RE: Chan v. Wu; Proposed Order from February 28, 2024 hearing re: Attorney's fees
Date: Tuesday, March 12, 2024 11:00:22 AM
Attachments: [image001.png](#)

Hi Alea,

You may affix my e-signature and submit.

Chris Molina | Attorney



P: 702.873.4100 | **E:** cmolina@mcdonaldcarano.com

From: Alea Duford <alea@blackrocklawyers.com>
Sent: Thursday, March 7, 2024 8:42 AM
To: Christopher Molina <cmolina@mcdonaldcarano.com>
Cc: Mike Olsen <mike@blackrocklawyers.com>; Aaron Shipley <ashipley@mcdonaldcarano.com>; Samantha Catelo <sam@blackrocklawyers.com>
Subject: Chan v. Wu; Proposed Order from February 28, 2024 hearing re: Attorney's fees

Good morning, Chris,

Please see the attached proposed order from February 28, 2024, in the Chan v. Wu case regarding the Court's award of attorney's fees.

May we attach your e-signature?

Alea



Alea B. Duford
Attorney

10155 West Twain Avenue, Suite 100

Las Vegas, NV 89147

T: 702.855.5658

F: 702.869.8243

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**

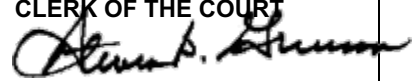
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/14/2024

15 Thomas Grover	tom@blackrocklawyers.com
16 Aaron Shipley	ashipley@mcdonaldcarano.com
17 Daniel Ormsby .	DOrmsby@goodsellolsen.com
18 Janice M. Michaels .	jmichaels@wshblaw.com
19 Laura Myers .	laura@goodsellolsen.com
20 Leah Jennings	ljennings@mcdonaldcarano.com
21 Michelle N Ledesma .	mledesma@wshblaw.com
22 Roman Harper .	Roman@goodsellolsen.com
23 Thomas Grover .	tom@goodsellolsen.com
24 Christine Grihalva	christine@blackrocklawyers.com
25 Janiece Marshall	jmarshall@gcmaslaw.com

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1	Betty Chan	aarpm09@gmail.com
2	Michael Olsen	mike@blackrocklawyers.com
3	Chris Molina	cmolina@mcdonaldcarano.com
4	Samantha Catelo	sam@blackrocklawyers.com
5	Michael Olsen	mike@blackrocklawyers.com
6	Karyna Armstrong	karmstrong@mcdonaldcarano.com
7	WSHB-LV Efilings Inbox	lvfilings@wshblaw.com
8	Skyler Thornton	skyler@blackrocklawyers.com
9	Liz Ditmore	editmore@wshblaw.com
10	Alea Duford	alea@blackrocklawyers.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 ALEA B. DUFORD, ESQ.
7 Nevada Bar No. 16526
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)
16 v.)
17)
18 WAYNE WU, JUDITH SULLIVAN,)
19 NEVADA REAL ESTATE CORP., JERRIN)
20 CHIU, KB HOME SALES – NEVADA INC.,)
21 DOES I through X, and ROES I through X)
22)
23 Defendants/Counterclaimants.

19 **NOTICE OF ENTRY OF ORDER**

20 PLEASE TAKE NOTICE that the **ORDER GRANTING DEFENDANTS' FIFTH**
21 **MOTION FOR ATTORNEY'S FEES** was entered on the Court's record on the 14th day of
22 March 2024. A copy of said Order is attached hereto as **Exhibit "1"**.
23 DATED this 14th day of March 2024.

24 /s/Michael A. Olsen, Esq.
25 MICHAEL A. OLSEN, ESQ.
26 Nevada Bar No. 6076
27 THOMAS R. GROVER, ESQ.
28 Nevada Bar No. 12387
ALEA B. DUFORD, ESQ.
Nevada Bar No. 16526
Attorneys 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.
Nevada Bar No. 16331

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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,

Plaintiffs/Counterdefendants,

v.

WAYNE WU, JUDITH SULLIVAN,
NEVADA REAL ESTATE CORP., JERRIN
CHIU, KB HOME SALES – NEVADA INC.,
DOES I through X, and ROES I through X,

Defendants/Counterclaimants.

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

**ORDER GRANTING DEFENDANTS' FIFTH MOTION FOR
ATTORNEY'S FEES**

This matter came on for hearing on February 28, 2024, before the Honorable Eric Johnson presiding on the Defendants' *Fifth Motion for Attorney's Fees* (hereafter "Fifth Motion"). The Court having read and considered the papers and pleadings on file and good cause appearing, therefore the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Court grants the Defendants' Fifth Motion and awards attorney's fees to Defendants in the amount of \$44,852.50. This award of fees is in addition to the four prior awards made by this Court. No costs are awarded as none were sought.

2. The Defendants' Fifth Motion is based on Ms. Chan's ongoing contractual obligation to pay the reasonable attorney's fees and costs the Defendants have incurred in seeking to enforce the arbitration agreement and the fees and costs previously awarded by this Court.

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CONCLUSIONS OF LAW

1. Ms. Chan is under an ongoing contractual obligation to pay reasonable attorney's fees and costs Defendants incur in seeking to enforce the arbitration agreement and the fees and costs previously awarded by this Court.

2. Accordingly, with the exception of fees incurred related to the matter of interest on prior judgments, this Court awards an additional \$44,852.50 in attorney's fees to Defendants.

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From: [Christopher Molina](#)
To: [Alea Duford](#)
Cc: [Mike Olsen](#); [Aaron Shipley](#); [Samantha Catelo](#)
Subject: RE: Chan v. Wu; Proposed Order from February 28, 2024 hearing re: Attorney's fees
Date: Tuesday, March 12, 2024 11:00:22 AM
Attachments: [image001.png](#)

Hi Alea,

You may affix my e-signature and submit.

Chris Molina | Attorney



P: 702.873.4100 | **E:** cmolina@mcdonaldcarano.com

From: Alea Duford <alea@blackrocklawyers.com>
Sent: Thursday, March 7, 2024 8:42 AM
To: Christopher Molina <cmolina@mcdonaldcarano.com>
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Subject: Chan v. Wu; Proposed Order from February 28, 2024 hearing re: Attorney's fees

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May we attach your e-signature?

Alea



Alea B. Duford
Attorney

10155 West Twain Avenue, Suite 100

Las Vegas, NV 89147

T: 702.855.5658

F: 702.869.8243

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: 3/14/2024

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17 Daniel Ormsby .	DOrmsby@goodsellolsen.com
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19 Laura Myers .	laura@goodsellolsen.com
20 Leah Jennings	ljennings@mcdonaldcarano.com
21 Michelle N Ledesma .	mledesma@wshblaw.com
22 Roman Harper .	Roman@goodsellolsen.com
23 Thomas Grover .	tom@goodsellolsen.com
24 Christine Grihalva	christine@blackrocklawyers.com
25 Janiece Marshall	jmarshall@gcmasslaw.com

26
27
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1	Betty Chan	aarpm09@gmail.com
2	Michael Olsen	mike@blackrocklawyers.com
3	Chris Molina	cmolina@mcdonaldcarano.com
4	Samantha Catelo	sam@blackrocklawyers.com
5	Michael Olsen	mike@blackrocklawyers.com
6	Karyna Armstrong	karmstrong@mcdonaldcarano.com
7	WSHB-LV Efilings Inbox	lvfilings@wshblaw.com
8	Skyler Thornton	skyler@blackrocklawyers.com
9	Liz Ditmore	editmore@wshblaw.com
10	Alea Duford	alea@blackrocklawyers.com
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**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
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HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
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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)
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April 01, 2019	7:15 AM	Minute Order
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HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
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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
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HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
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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.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Other Contract****COURT MINUTES****November 20, 2023**

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

November 20, 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 the Motion for Reconsideration of Judge's Minute Order Dated September 15, 2023 in relation to Plaintiffs' Motion of Reconsideration filed on July 31, 2023 and another Motion filed on September 11, 2023 to Request of Extension of time to file Motion for Reconsideration and Motion to Toll deadlines to Respond to Defendant's Motions. On October 9, 2023 Defendants Objected to Plaintiff's Motion for Reconsideration. On October 16, 2023 the Plaintiffs filed their Reply in Support of their Motion. The Matter was subsequently scheduled for a hearing on November 15, 2023. After considering the pleadings and arguments of counsel, the Court hereby Denies Plaintiff's Motion for Reconsideration.

Pursuant to EDCR 2.24, EDCR 5.516 a Motion for Reconsideration is proper when new facts or law are brought to light that would have a tendency to change the ruling in the case. Moore v. City of Las Vegas. Here, the Plaintiff has not alleged any new facts, law, or evidence that has any tendency to change the Court's ruling from their July 17, 2023 order granting Defendants' Attorney Fees and Costs.

Plaintiff asserts that they were merely attempting to make an "administrative filing" which would grant them more time to respond to the Defendants' filings, and would toll the briefing schedule for the Motion for Reconsideration. However, the Plaintiff was acting pro se, and both EDCR 7.42 and

NRS 7.285 prohibit a corporation from being represented by anyone but an attorney. Here, as Plaintiff Betty Chan is not an attorney, and she has been filing motions and briefs on behalf of the Plaintiff AARPM, all of which include legal and factual analyses, the Plaintiff's Motions to Extend and Motion for Reconsideration are not proper in front of this Court.

The Plaintiff brings up the contents of the Arbitration Agreement improperly in their Reply to the Defendants' Opposition. Plaintiffs' Motion for Reconsideration and Defendants' Opposition did not address the contents of the Arbitration Agreement, therefore, this issue should be addressed in a separate motion.

Plaintiffs allege that they have not received any documentation to support Defendant's award of attorney fees and costs ordered on July 17, 2023. However, the documents filed under seal have been properly provided to the Plaintiff through email from the Defendants. Although such documents were provided to Plaintiffs in a redacted format, the redacted information is confidential, of which the Plaintiff is not entitled.

The Court hereby VACATES the November 15, 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. 11.20.23khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 14, 2024

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

February 14, 2024 8:30 AM All Pending Motions

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

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Kendal Leming

REPORTER:

PARTIES

PRESENT:	Chan, Betty	Plaintiff
		Counter Defendant
	Duford, Alea	Attorney
	Molina, J. Christopher	Attorney
	Olsen, Michael A.	Attorney

JOURNAL ENTRIES

- HEARING: ATTORNEY'S FEES. . . STATUS CHECK: STATUS OF JUDGMENT DEBTOR EXAM

Court stated it received the paperwork and noted its inclination was to agree with Plaintiff's counsel that not entitled as the attorney's fees weren't earned. Mr. Olsen argued in support of awarding attorney's fees. Mr. Molina advised they brought checks with them today and were prepared to pay what they believed was owed, therefore, a debtor exam would be moot. Court requested the counsel step out and discuss options. MATTER TRAILED.

MATTER RECALLED: all parties present as before. Mr. Olsen advised they were unable to agree. Court stated it was good going forward with a debtor exam and directed Mr. Olsen to submit the order.

Mr. Olsen and Mr. Molina argued in support and opposition of awarding prejudgment interest on Deft.'s attorney's fees. Court stated it could make a determination as to the prejudgment interest and

rule on the pending motion as to additional attorney's fees later. Mr. Molina requested the judgment debtor exam be continued to after the hearing. Court suggested advancing the hearing. Mr. Molina agreed. Colloquy regarding response time. COURT ORDERED, Plaintiff's response due 02/21/2024 and Deft.'s Fifth Motion for Attorney's Fees and Costs RESET to 02/28/2024. COURT FURTHER ORDERED, the issue of prejudgment interest CONTINUED. Court DIRECTED Defendant to submit an order for the judgment debtor exam to be set at least 3 weeks after the 02/28/2024 hearing.

02/28/2024 11:00 AM DEFT.'S FIFTH MOTION FOR ATTORNEY'S FEES AND COSTS

PREJUDGMENT INTEREST CONTINUED: 02/28/2024 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 15, 2024

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

February 15, 2024 3:00 AM Minute Order

HEARD BY: Johnson, Eric

COURTROOM: Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On January 26, 2024 the Defendant, Wayne Wu filed a Motion to Compel. On February 9, 2024 the Plaintiff filed an Opposition to the Motion to Compel. The matter was subsequently scheduled for a hearing on February 28, 2024. After reviewing the parties' documents and arguments, the Court finds that the issues are discovery disputes. Therefore, pursuant to EDCR 2.34, the matter should first be heard by the Discovery Commissioner.

The Court hereby VACATES the February 28, 2024 hearing, and a hearing in front of the Discovery Commissioner should be set according to their calendar.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 2.15.24khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 28, 2024

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

February 28, 2024 11:00 AM All Pending Motions

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

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Chan, Betty	Plaintiff
		Counter Defendant
	Duford, Alea	Attorney
	Molina, J. Christopher	Attorney
	Olsen, Michael A.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S FIFTH MOTION FOR ATTORNEY'S FEES AND COSTS . . . HEARING:
ATTORNEY'S FEES/PREJUDGMENT INTEREST.

Court noted this was on for Defendant's motion for attorney's fees; it received the motion and opposition. Extensive arguments by counsel on the merits and opposition of the motion and prejudgment interest. COURT STATE its FINDINGS, and ORDERED, Defendant's Fifth Motion for Attorney's Fees and Costs GRANTED and AWARDED \$44,852.50 in fees. Mr. Olsen waived costs. Mr. Olsen to prepare the order on fees.

As to prejudgment interest, Court stated it wanted to review cited cases noting it was leaning toward not allowing prejudgment interest but would allow counsel to file something on the order and interest by end of day Friday. Court took the issue of prejudgment interest UNDER ADVISEMENT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****March 08, 2024**

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

March 08, 2024 10:00 AM Discovery Conference

HEARD BY: Ganz, Adam **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Briana Barrett

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Grover, Thomas R Attorney
 Molina, J. Christopher Attorney

JOURNAL ENTRIES

- Commissioner disclosed that he knew one of the parties; all counsel and parties agreed to proceed and allow the Commissioner to hear the matter without a delay. Commissioner noted his concerns regarding the matter taken Under Advisement by the District Court. Argument by counsel. COMMISSIONER RECOMMENDED, Defendant's Motion to Compel Discovery GRANTED as written and the information is due within thirty days AFTER the District Court Judge makes the determination regarding the matter taken Under Advisement, assuming it does not resolve the case in its entirety. COMMISSIONER FURTHER RECOMMENDED, the Request for Sanctions deferred to the District Court Judge as fee awards had already been made by the District Court.

Mr. Grover to prepare the Report and Recommendation, and send to Mr. Molina to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within fourteen days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted the Discovery Office will vacate the Status Check.

04/05/2024 9:15 AM STATUS CHECK: COMPLIANCE 03/08/24 DCRR (MR. GROVER)

PRINT DATE: 04/15/2024

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Minutes Date: February 06, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****March 13, 2024**

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

March 13, 2024 10:00 AM Motion

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

COURT CLERK: Kara Seibert

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Chan, Betty	Plaintiff
		Counter Defendant
	Duford, Alea	Attorney
	Grover, Thomas R	Attorney
	Molina, J. Christopher	Attorney
	Olsen, Michael A.	Attorney
	Thornton, Skyler James	Attorney

JOURNAL ENTRIES

- Skyler Thornton, Esq., Alea Duford, Esq. and Thomas Grover, Esq. present to observe.

The Court stated that upon looking at the materials provided by Plaintiff's Counsel that prejudgment interest on attorney's fees is not provided for by Nevada Statute. Following arguments from Counsel, COURT ORDERED, Plaintiff's Motion to Alter or Amend Judgment on Order Shortening Time, GRANTED IN PART. The Court clarified that this Motion is granted solely to the prejudgment interest. The Court further stated that prejudgment interest is not appropriate but the Court will not order any interest until Counsel's competing orders are filed for post judgment interest.

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; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING
DEFENDANTS' FIFTH MOTION FOR ATTORNEY'S FEES; 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),

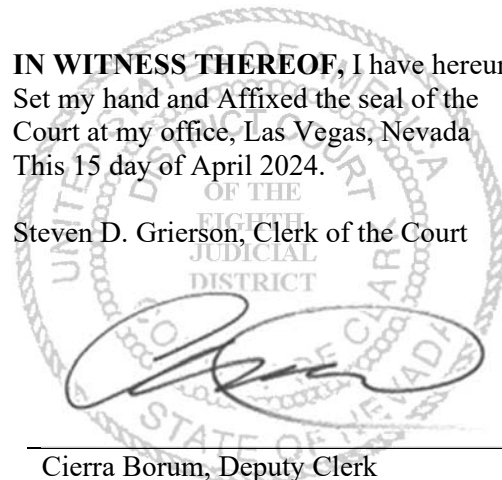
Case No: A-16-744109-C

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 15 day of April 2024.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk