

Alvin B. Quinn

CLERK OF THE COURT

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Apr 14 2010 11:27 a.m.
Tracie K. Lindeman

1 NOAS
2 JOHN P. LAVERY, ESQ.
3 Nevada Bar No. 004665
4 JEANNE P. BAWA
5 Nevada Bar No. 007359
6 NANCY E. HELMBOLD, ESQ.
7 Nevada Bar No. 006678
8 LEWIS BRISBOIS BISGAARD & SMITH LLP
9 400 South Fourth Street, Suite 500
10 Las Vegas, Nevada 89101
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12 Facsimile: (702) 893-3789
13 Email: lavery@lbbslaw.com
14 Email: bawa@lbbslaw.com
15 Email: helmbold@lbbslaw.com
16 Attorneys for Appellants
17 FITZGERALDS CASINO/HOTEL and
18 CANNON COCHRAN MANAGEMENT
19 SERVICES, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

16 FITZGERALDS CASINO/HOTEL and)
17 CANNON COCHRAN MANAGEMENT)
18 SERVICES, INC.,)

CASE NO.: A-09-594516-J

DEPT NO.: XXI

18 Appellants,)

19 v.)
20)

A-09-594516-J
756958



21 GARY MOGG; and the STATE)
22 OF NEVADA DEPARTMENT OF)
23 ADMINISTRATION, APPEALS OFFICE,)
24 an Agency of the State of Nevada,)

24 Respondents.)
25)

NOTICE OF APPEAL

27 TO: GARY MOGG, Respondent, and,

28 TO: GARY T. WATSON, ESQ., of NEVADA ATTORNEY FOR INJURED
WORKERS, counsel of record for Respondent.

LEWIS
BRISBOIS
BISGAARD
& SMITH LLP

4841-2209-6133.1 / 26990-397

1 NOTICE IS HEREBY GIVEN that the Appellant Employer, FITZGERALDS
2 CASINO/HOTEL, and the Third-Party Administrator, CANNON COCHRAN MANAGEMENT
3 SERVICES, INC., (hereinafter referred to as "Appellants"), in the above-entitled action, hereby appeal
4 to the Supreme Court of the State of Nevada from the attached "Order" entered in this action on March
5 22, 2010 which denied Appellants, FITZGERALDS CASINO/HOTEL'S and CANNON COCHRAN
6 MANAGEMENT SERVICES, INC.'S, Petition for Judicial Review, and the "Notice of Entry of
7 Order" having been filed on March 23, 2010.

8
9 DATED this 8 day of April, 2010.

10 Respectfully submitted,

11 LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13
14 By: 

15 JOHN P. LAVERY, ESQ.

16 Nevada Bar No. 004665

17 JEANNE P. BAWA, ESQ.

18 Nevada Bar No. 006678

19 NANCY E. HELMBOLD, ESQ.

20 Nevada Bar No. 006678

21 400 South Fourth Street, Suite 500

22 Las Vegas, NV 89101

23 Phone: (702) 893-3383

24 Fax: (702) 366-9689

25 Attorneys for Appellants

26 FITZGERALDS CASINO/HOTEL and

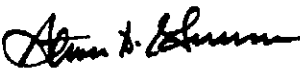
27 CANNON COCHRAN MANAGEMENT

28 SERVICES, INC.

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ATTACHMENT

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CLERK OF THE COURT

1 NEO
2 GARY T. WATSON, ESQ., Deputy
3 Nevada Attorney for Injured Workers
4 Nevada State Bar No.: 000450
5 2200 South Rancho Drive, Suite 230
6 Las Vegas, Nevada 89102
7 (702) 486-2830
8 Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

7 FITZGERALDS CASINO/HOTEL; AND)
8 CANNON COCHRAN MANAGEMENT)
9 SERVICES, INC.,)
10 Petitioners,) CASE NO. A-09-594516-J
11 v.) DEPT NO. XXI
12 GARY MOGG; and the DEPARTMENT OF)
13 ADMINISTRATION, HEARINGS)
14 DIVISION, APPEALS OFFICE,)
15 an Agency of the State of Nevada,)
16 Respondents.)

NOTICE OF ENTRY OF ORDER

16 TO: FITZGERALDS CASINO/HOTEL and CCMSI, Petitioners; and
17 TO: JOHN P. LAVERY, ESQ., its counsel:
18 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that a
19 DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW in the
20 above-entitled matter was entered herein on the 22ND day of March,
21 2010, a true and correct copy of which is attached hereto.

22 DATED this _____ day of March, 2010.

23 Respectfully submitted:

24 /s/ Gary T. Watson
25 GARY T. WATSON, ESQ., deputy
26 Nevada Attorney for Injured Workers
27 Nevada State Bar No.: 000450
28 2200 S. Rancho Drive Ste 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Mogg

612431-925925 WPL

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW was made this day by depositing for mailing at Las Vegas, Nevada, a true copy of the attached document addressed to:

JOHN P. LAVERY, ESQ.
LEWIS, BRISBOIS, ET AL
400 S FOURTH STREET STE 500
LAS VEGAS NV 89101

GARY MOGG
2379 CLIFFWOOD DRIVE
HENDERSON NV 89074

DATED: 3/23/10

SIGNED: /s/ Erin Haisley
ERIN HAISLEY

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding

NOTICE OF ENTRY OF DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

filed in District Court Case Number A-09-594516-J

X Does not contain the Social Security Number of any person.

-OR-

 Contains the Social security Number of a person as required by:

A. A specific State or Federal law, to wit:

-or-

B. For the administration of a public program or for an application for a Federal or State grant.

/s/ Gary T. Watson
Signature

3/23/10
Date

GARY T. WATSON, ESO., deputy Nevada
Attorney for Injured Workers
Print Name

Attorney for Respondent
Title

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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03/22/2010 10:06:12 AM

John L. Schuman

CLERK OF THE COURT

ORDD
GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 000450
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

FITZGERALDS CASINO/HOTEL; AND
CANNON COCHRAN MANAGEMENT
SERVICES, INC.,

Petitioners,

v.

GARY MOGG; and the DEPARTMENT OF
ADMINISTRATION, HEARINGS
DIVISION, APPEALS OFFICE,
an Agency of the State of Nevada,

Respondents.

CASE NO. A-09-594516-J
DEPT NO. XXI

DATE: February 17, 2010
TIME: 9:30 a.m.

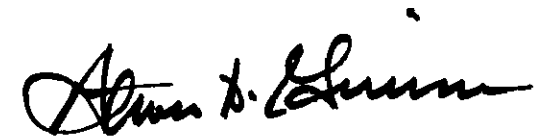
DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

The Court, having reviewed the parties' briefs and the Record on Appeal on Petitioner's Petition for Judicial Review, and having considered arguments of counsel, and finding good cause therefore, hereby finds that the June 15, 2009 Decision and Order of the appeals officer was not in violation of applicable statutory and regulatory provisions, nor in excess of the statutory authority of the appeals officer, nor made upon unlawful procedures, nor affected by other errors of law. The Court further finds that there is substantial, reliable and probative evidence in the Record to support the Findings of Fact and Conclusions of Law contained in the appeals officer's Decision and Order.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701
(775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102
(702) 486-2830

| | | | |
|---|--|---|---|
| <input type="checkbox"/> Voluntary Dis | <input type="checkbox"/> Slip Dis | <input type="checkbox"/> Sum Jdgmt | FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input checked="" type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in full |
| <input type="checkbox"/> Involuntary (stat) Dis | <input type="checkbox"/> Slip Jdgmt | <input type="checkbox"/> Non-Jury Trial | |
| <input type="checkbox"/> Jdgmt on App Award | <input type="checkbox"/> Default Jdgmt | <input type="checkbox"/> Jury Trial | |
| <input type="checkbox"/> Win to Dis (by deft) | <input type="checkbox"/> Transferred | | |

GTW_MOGG. GHRY_Order Denying FJR.WPD



CLERK OF THE COURT

1 **ASTA**
2 JOHN P. LAVERY, ESQ.
3 Nevada Bar No. 004665
4 JEANNE B. BAWA, ESQ.
5 Nevada Bar No. 007359
6 NANCY E. HELMBOLD, ESQ.
7 Nevada Bar No. 006678
8 LEWIS BRISBOIS BISGAARD & SMITH LLP
9 400 South Fourth Street, Suite 500
10 Las Vegas, Nevada 89101
11 Telephone: (702) 893-3383
12 Facsimile: (702) 893-3789
13 Email: lavery@lbbslaw.com
14 Email: bawa@lbbslaw.com
15 Email: helmbold@lbbslaw.com
16 Attorneys for Appellants
17 FITZGERALDS CASINO/HOTEL and
18 CANNON COCHRAN MANAGEMENT
19 SERVICES, INC.

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

| | | |
|--------------------------------------|---|-------------------------|
| 16 FITZGERALDS CASINO/HOTEL and |) | |
| 17 CANNON COCHRAN MANAGEMENT |) | |
| 18 SERVICES, INC., |) | CASE NO.: A-09-594516-J |
| |) | DEPT NO.: XXI |
| 19 Appellants, |) | |
| 20 v. |) | |
| 21 GARY MOGG; and the STATE |) | |
| 22 OF NEVADA DEPARTMENT OF |) | |
| 23 ADMINISTRATION, APPEALS OFFICE, |) | |
| 24 an Agency of the State of Nevada, |) | |
| |) | |
| 25 Respondents. |) | |

25 **CASE APPEAL STATEMENT**

26 1. Name of appellants' filing this case appeal statement: FITZGERALDS
27 CASINO/HOTEL and CANNON COCHRAN MANAGEMENT SERVICES, INC.
28

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

3 3. Identify all parties to the proceedings in the district court (the use of et al. to denote
4 parties is prohibited): FITZGERALDS CASINO/HOTEL and CANNON COCHRAN
5 MANAGEMENT SERVICES, INC., GARY MOGG, and the DIVISION OF INDUSTRIAL
6 RELATIONS.

7 4. Identify all parties involved in this appeal (the use of et al. to denote parties is
8 prohibited): FITZGERALDS CASINO/HOTEL and CANNON COCHRAN MANAGEMENT
9 SERVICES, INC., and GARY MOGG.

10 5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and
11 identify the party or parties whom they represent:

12 JOHN P. LAVERY, ESQ.
13 Nevada Bar No. 004465
14 JEANNE P. BAWA, ESQ.
15 Nevada Bar No. 007359
16 NANCY E. HELMBOLD, ESQ.
17 Nevada Bar No. 006678
18 LEWIS BRISBOIS BISGAARD & SMITH LLP
19 400 South Fourth Street, Suite 500
20 Las Vegas, NV 89101
21 (702) 893-3383 Phone
22 Attorneys for Appellants
23 FITZGERALDS CASINO/HOTEL and
24 CANNON COCHRAN MANAGEMENT SERVICES, INC.,

25 Gary T. Watson, Esq.
26 Nevada Bar No. 000450
27 NEVADA ATTORNEY FOR INJURED WORKERS
28 2200 South Rancho Drive, Suite 230
 Las Vegas, NV 89102
 (702) 486-2830
 Attorneys for Respondent
 GARY MOGG

1 6. Indicate whether appellants were represented by appointed or retained counsel in the
2 district court: Appellant has retained counsel in the district court.

3 7. Indicate whether appellants were represented by appointed or retained counsel on appeal:
4 Appellants were represented by retained counsel on appeal.

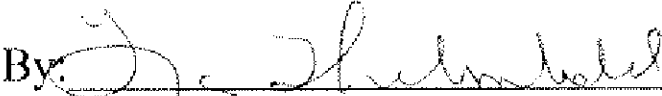
5 8. Indicate whether appellants were granted leave to proceed in forma pauperis, and the
6 date of entry of the district court order granting such leave: Appellants were not granted leave to
7 proceed in forma pauperis.

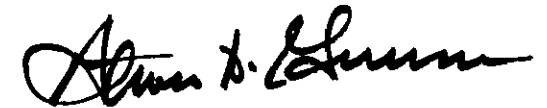
8 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
9 indictment, information, or petition was filed): The Petition for Judicial Review of the Appeals
10 Officer's Decision and Order of June 15, 2009 was filed on July 1, 2009.

11
12 DATED this 8 day of April, 2010.

13
14 Respectfully submitted,

15 LEWIS BRISBOIS BISGAARD & SMITH LLP

16
17 By: 
18 JOHN P. LAVERY, ESQ.
19 Nevada Bar No. 004665
20 JEANNE P. BAWA, ESQ.
21 Nevada Bar No. 007359
22 NANCY E. HELMBOLD, ESQ.
23 Nevada Bar No. 006678
24 LEWIS BRISBOIS BISGAARD & SMITH LLP
25 400 South Fourth Street, Suite 500
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27 Telephone: (702) 893-3383
28 Facsimile: (702) 893-3789
Attorneys for Appellants
FITZGERALDS CASINO/HOTEL and
CANNON COCHRAN MANAGEMENT
SERVICES, INC.



CLERK OF THE COURT

BOND

JOHN P. LAVERY, ESQ.

Nevada Bar No. 004665

JEANNE P. BAWA, ESQ.

Nevada Bar No. 007359

NANCY E. HELMBOLD, ESQ.

Nevada Bar No. 006678

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Email: lavery@lbbslaw.com

Email: bawa@lbbslaw.com

Email: helmbold@lbbslaw.com

Attorneys for Appellants

FITZGERALDS CASINO/HOTEL and

CANNON COCHRAN MANAGEMENT

SERVICES, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

FITZGERALDS CASINO/HOTEL and
CANNON COCHRAN MANAGEMENT
SERVICES, INC.,

Appellants,

v.

GARY MOGG; and the STATE
OF NEVADA DEPARTMENT OF
ADMINISTRATION, APPEALS OFFICE,
an Agency of the State of Nevada,

Respondents.

CASE NO.: A-09-594516-J

DEPT NO.: XXI

NOTICE OF FILING BOND FOR COSTS ON APPEAL

NOTICE IS HEREBY GIVEN that Appellants, FITZGERALDS CASINO/HOTEL and
CANNON COCHRAN MANAGEMENT SERVICES, INC., (hereinafter referred to as "Appellants")

...


4828-5168-0773.1 / 26990-397

1 in the above-entitled action, by and through their attorneys, JOHN P. LAVERY, ESQ., JEANNE P.
2 BAWA, ESQ., and NANCY E. HELMBOLD, ESQ., of LEWIS BRISBOIS BISGAARD & SMITH
3 LLP, deposited with the County Clerk of this Court, in compliance with NRAP Rule 7, a check in the
4 amount of \$500.00 for security for costs on appeal, a copy of which is attached hereto.
5

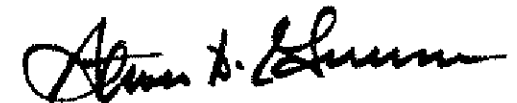
6 DATED this 8 day of April, 2010.

7 Respectfully submitted,

8 LEWIS BRISBOIS BISGAARD & SMITH LLP
9

10 By: 
11 JOHN P. LAVERY, ESQ.
12 Nevada Bar No. 004665
13 JEANNE P. BAWA, ESQ.
14 Nevada Bar No. 007359
15 NANCY E. HELMBOLD, ESQ.
16 Nevada Bar No. 006678
17 400 South Fourth Street, Suite 500
18 Las Vegas, NV 89101
19 Phone: (702) 893-3383
20 Fax: (702) 366-9689
21 Attorneys for Appellants
22 FITZGERALDS CASINO/HOTEL and
23 CANNON COCHRAN MANAGEMENT
24 SERVICES, INC.
25
26
27
28

ATTACHMENT 1



CLERK OF THE COURT

1 **NOAS**
2 JOHN P. LAVERY, ESQ.
3 Nevada Bar No. 004665
4 JEANNE P. BAWA
5 Nevada Bar No. 007359
6 NANCY E. HELMBOLD, ESQ.
7 Nevada Bar No. 006678
8 LEWIS BRISBOIS BISGAARD & SMITH LLP
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13 Email: lavery@lbbslaw.com
14 Email: bawa@lbbslaw.com
15 Email: helmbold@lbbslaw.com
16 Attorneys for Appellants
17 FITZGERALDS CASINO/HOTEL and
18 CANNON COCHRAN MANAGEMENT
19 SERVICES, INC.

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

16 FITZGERALDS CASINO/HOTEL and
17 CANNON COCHRAN MANAGEMENT
18 SERVICES, INC.,

19 Appellants,

20 v.

21 GARY MOGG, and the STATE
22 OF NEVADA DEPARTMENT OF
23 ADMINISTRATION, APPEALS OFFICE,
24 an Agency of the State of Nevada,

25 Respondents.

CASE NO.: A-09-594516-J

DEPT NO.: XXI

26 **NOTICE OF APPEAL**

27 TO: GARY MOGG, Respondent, and,

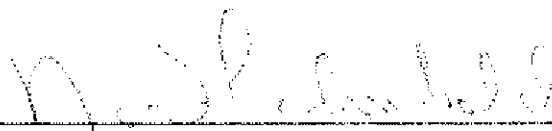
28 TO: GARY T. WATSON, ESQ., of NEVADA ATTORNEY FOR INJURED
WORKERS, counsel of record for Respondent.

1 NOTICE IS HEREBY GIVEN that the Appellant Employer, FITZGERALDS
2 CASINO/HOTEL, and the Third-Party Administrator, CANNON COCHRAN MANAGEMENT
3 SERVICES, INC., (hereinafter referred to as "Appellants"), in the above-entitled action, hereby appeal
4 to the Supreme Court of the State of Nevada from the attached "Order" entered in this action on March
5 22, 2010 which denied Appellants, FITZGERALDS CASINO/HOTEL'S and CANNON COCHRAN
6 MANAGEMENT SERVICES, INC.'S, Petition for Judicial Review, and the "Notice of Entry of
7 Order" having been filed on March 23, 2010.

8
9 DATED this 2 day of April, 2010.

10 Respectfully submitted.

11 LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13
14 By: 

15 JOHN P. LAVERY, ESQ.

16 Nevada Bar No. 004665

17 JEANNE P. BAWA, ESQ.

18 Nevada Bar No. 006678

19 NANCY E. HELMBOLD, ESQ.

20 Nevada Bar No. 006678

21 400 South Fourth Street, Suite 500

22 Las Vegas, NV 89101

23 Phone: (702) 893-3383

24 Fax: (702) 366-9689

25 Attorneys for Appellants

26 FITZGERALDS CASINO/HOTEL and

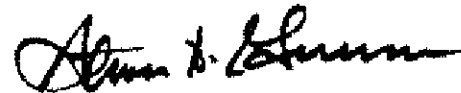
27 CANNON COCHRAN MANAGEMENT

28 SERVICES, INC.

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ATTACHMENT

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CLERK OF THE COURT

1 NEO
2 GARY T. WATSON, ESQ., Deputy
3 Nevada Attorney for Injured Workers
4 Nevada State Bar No.: 000450
5 2200 South Rancho Drive, Suite 230
6 Las Vegas, Nevada 89102
7 (702) 486-2830
8 Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

9 FITZGERALDS CASINO/HOTEL; AND)
10 CANNON COCHRAN MANAGEMENT)
11 SERVICES, INC.,)

12 Petitioners,)

CASE NO. A-09-594516-J
DEPT NO. XXI

13 v.)

14 GARY MOGG; and the DEPARTMENT OF)
15 ADMINISTRATION, HEARINGS)
16 DIVISION, APPEALS OFFICE,)
17 an Agency of the State of Nevada,)

18 Respondents.)
19 _____)
20 _____)

NOTICE OF ENTRY OF ORDER

21 TO: FITZGERALDS CASINO/HOTEL and CCMSI, Petitioners; and

22 TO: JOHN P. LAVERY, ESQ., its counsel:

23 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that a
24 DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW in the
25 above-entitled matter was entered herein on the 22nd day of March,
26 2010, a true and correct copy of which is attached hereto.

27 DATED this _____ day of March, 2010.

28 Respectfully submitted:

/s/ Gary T. Watson
GARY T. WATSON, ESQ., deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 000450
2200 S. Rancho Drive Ste 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Mogg

NEVADA ATTORNEY FOR INJURED WORKERS
1020 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW was made this day by depositing for mailing at Las Vegas, Nevada, a true copy of the attached document addressed to:

JOHN P. LAVERY, ESQ.
LEWIS, BRISBOIS, ET AL
400 S FOURTH STREET STE 500
LAS VEGAS NV 89101

GARY MOGG
2379 CLIFFWOOD DRIVE
HENDERSON NV 89074

DATED: 3/23/10

SIGNED: /s/ Erin Haisley
ERIN HAISLEY

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89201 (775) 684-7555
2200 South Rancho Drive, Suite 220
Las Vegas, NV 89102 (702) 486-4830

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding

NOTICE OF ENTRY OF DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

filed in District Court Case Number A-09-594516-J

X Does not contain the Social Security Number of any person.

-OR-

 Contains the Social security Number of a person as required by:

A. A specific State or Federal law, to wit:

-or-

B. For the administration of a public program or for an application for a Federal or State grant.

/s/ Gary T. Watson
Signature

3/23/10
Date

GARY T. WATSON, ESQ., deputy Nevada
Attorney for Injured Workers
Print Name

Attorney for Respondent
Title

NEVADA ATTORNEY FOR INJURED WORKERS
1090 East William Street, Suite 205
Carson City, NV 89101 (775) 684-7555
2200 South Karcher Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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03/22/2010 10:06:12 AM


CLERK OF THE COURT

1 ORDD
2 GARY T. WATSON, ESQ., Deputy
3 Nevada Attorney for Injured Workers
4 Nevada State Bar No. 000450
5 2200 South Rancho Drive, Suite 230
6 Las Vegas, Nevada 89102
7 (702) 486-2830
8 Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

7 FITZGERALDS CASINO/HOTEL; AND)
8 CANNON COCHRAN MANAGEMENT)
9 SERVICES, INC.,)
10 Petitioners,)
11 v.)
12 GARY MOGG; and the DEPARTMENT OF)
13 ADMINISTRATION, HEARINGS)
14 DIVISION, APPEALS OFFICE,)
15 an Agency of the State of Nevada,)
16 Respondents.)

CASE NO. A-09-594516-J
DEPT NO. XXI

DATE: February 17, 2010
TIME: 9:30 a.m.

DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

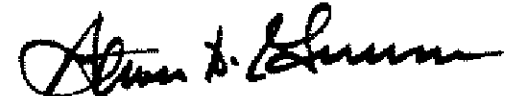
17 The Court, having reviewed the parties' briefs and the
18 Record on Appeal on Petitioner's Petition for Judicial Review,
19 and having considered arguments of counsel, and finding good
20 cause therefore, hereby finds that the June 15, 2009 Decision and
21 Order of the appeals officer was not in violation of applicable
22 statutory and regulatory provisions, nor in excess of the
23 statutory authority of the appeals officer, nor made upon
24 unlawful procedures, nor affected by other errors of law. The
25 Court further finds that there is substantial, reliable and
26 probative evidence in the Record to support the Findings of Fact
27 and Conclusions of Law contained in the appeals officer's
28 Decision and Order.

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 300
Carson City, NV 89701
(775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102
(702) 486-2830

| | | | |
|--|--|---|--|
| <input type="checkbox"/> Voluntary Dis | <input type="checkbox"/> Stay Dis | <input type="checkbox"/> Sum Jdgmt | FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input checked="" type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in full |
| <input type="checkbox"/> Involuntary (stat) Dis | <input type="checkbox"/> Stay Jdgmt | <input type="checkbox"/> Non-Jury Trial | |
| <input type="checkbox"/> Jdgmt on Adv Award | <input type="checkbox"/> Default Jdgmt | <input type="checkbox"/> Jury Trial | |
| <input type="checkbox"/> Min to Dis (by default) | <input type="checkbox"/> Transferred | | |

GTW MOGG. GARY_Order Denying FJR WFD

ATTACHMENT 2



CLERK OF THE COURT

1 ASTA
2 JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
3 JEANNE B. BAWA, ESQ.
Nevada Bar No. 007359
4 NANCY E. HELMBOLD, ESQ.
Nevada Bar No. 006678
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 400 South Fourth Street, Suite 500
Las Vegas, Nevada 89101
7 Telephone: (702) 893-3383
Facsimile: (702) 893-3789
8 Email: lavery@lbbslaw.com
9 Email: bawa@lbbslaw.com
Email: helmbold@lbbslaw.com
10 Attorneys for Appellants
11 FITZGERALDS CASINO/HOTEL and
12 CANNON COCHRAN MANAGEMENT
SERVICES, INC.

13
14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 FITZGERALDS CASINO/HOTEL and)
17 CANNON COCHRAN MANAGEMENT)
SERVICES, INC.,)

CASE NO.: A-09-594516-J

DEPT NO.: XXI

18 Appellants,)
19)
20)

v.)
21)
22)

GARY MOGG; and the STATE)
OF NEVADA DEPARTMENT OF)
ADMINISTRATION, APPEALS OFFICE,)
an Agency of the State of Nevada.)
23)
24)

Respondents.)
25)

CASE APPEAL STATEMENT

26 1. Name of appellants' filing this case appeal statement: FITZGERALDS
27 CASINO/HOTEL and CANNON COCHRAN MANAGEMENT SERVICES, INC.
28

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

3 3. Identify all parties to the proceedings in the district court (the use of et al. to denote
4 parties is prohibited): FITZGERALDS CASINO/HOTEL and CANNON COCHRAN
5 MANAGEMENT SERVICES, INC., GARY MOGG, and the DIVISION OF INDUSTRIAL
6 RELATIONS.

7 4. Identify all parties involved in this appeal (the use of et al. to denote parties is
8 prohibited): FITZGERALDS CASINO/HOTEL and CANNON COCHRAN MANAGEMENT
9 SERVICES, INC., and GARY MOGG.

10 5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and
11 identify the party or parties whom they represent:

12 JOHN P. LAVERY, ESQ.
13 Nevada Bar No. 004465
14 JEANNE P. BAWA, ESQ.
15 Nevada Bar No. 007359
16 NANCY E. HELMBOLD, ESQ.
17 Nevada Bar No. 006678
18 LEWIS BRISBOIS BISGAARD & SMITH LLP
19 400 South Fourth Street, Suite 500
20 Las Vegas, NV 89101
21 (702) 893-3383 Phone
22 Attorneys for Appellants
23 FITZGERALDS CASINO/HOTEL and
24 CANNON COCHRAN MANAGEMENT SERVICES, INC.,

25 Gary T. Watson, Esq.
26 Nevada Bar No. 000450
27 NEVADA ATTORNEY FOR INJURED WORKERS
28 2200 South Rancho Drive, Suite 230
 Las Vegas, NV 89102
 (702) 486-2830
 Attorneys for Respondent
 GARY MOGG

1 6. Indicate whether appellants were represented by appointed or retained counsel in the
2 district court: Appellant has retained counsel in the district court.

3 7. Indicate whether appellants were represented by appointed or retained counsel on appeal:
4 Appellants were represented by retained counsel on appeal.

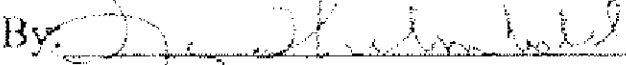
5 8. Indicate whether appellants were granted leave to proceed in forma pauperis, and the
6 date of entry of the district court order granting such leave: Appellants were not granted leave to
7 proceed in forma pauperis.

8 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
9 indictment, information, or petition was filed): The Petition for Judicial Review of the Appeals
10 Officer's Decision and Order of June 15, 2009 was filed on July 1, 2009.

11 DATED this 8 day of April, 2010.

12 Respectfully submitted,

13 LEWIS BRISBOIS BISGAARD & SMITH LLP

14 By: 
15 JOHN P. LAVERY, ESQ.
16 Nevada Bar No. 004665
17 JEANNE P. BAWA, ESQ.
18 Nevada Bar No. 007359
19 NANCY E. HELMBOLD, ESQ.
20 Nevada Bar No. 006678
21 LEWIS BRISBOIS BISGAARD & SMITH LLP
22 400 South Fourth Street, Suite 500
23 Las Vegas, NV 89101
24 Telephone: (702) 893-3383
25 Facsimile: (702) 893-3789
26 Attorneys for Appellants
27 FITZGERALDS CASINO/HOTEL and
28 CANNON COCHRAN MANAGEMENT
 SERVICES, INC.

CASE SUMMARY

CASE No. A-09-594516-J

Fitzeralds Casino/Hotel, Plaintiff(s)
vs.
Gary Mogg, Defendant(s)

§
§
§
§
§

Location: **Department 21**
Judicial Officer: **Adair, Valerie**
Filed on: **07/01/2009**
Conversion Case Number: **A594516**

CASE INFORMATION

Statistical Closures

03/18/2010 Dismissed (with or without prejudice)

Case Type: **Civil Petition for Judicial Review**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-09-594516-J
Court Department 21
Date Assigned 07/01/2009
Judicial Officer Adair, Valerie

PARTY INFORMATION

Plaintiff

Cannon Cochran Management Services Inc

Lead Attorneys

Lavery, John P 7028933383
Retained

Fitzeralds Casino/Hotel

Lavery, John P 7028933383
Retained

Defendant

Mogg, Gary







Swanson, Melodie C. 7023828881
Retained

Nevada Dept Of Administration Appeals















DATE

EVENTS & ORDERS OF THE COURT

INDEX








| | | |
|------------|---|--|
| 07/01/2009 |  Petition for Judicial Review Filed by: Plaintiff Fitzeralds Casino/Hotel | |
| 07/01/2009 |  Initial Appearance Fee Disclosure Filed By: Plaintiff Fitzeralds Casino/Hotel | |
| 07/02/2009 |  Motion Filed By: Plaintiff Fitzeralds Casino/Hotel <i>Petitioners' Motion for Stay Pending Appeal and Request for Order Shortening Time</i> | |
| 07/02/2009 |  Certificate of Mailing Filed By: Plaintiff Fitzeralds Casino/Hotel | |
| 07/07/2009 |  Receipt of Copy Filed by: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzeralds Casino/Hotel | |
| 07/08/2009 |  Motion (9:30 AM) (Judicial Officer: Adair, Valerie) | |

CASE SUMMARY
CASE No. A-09-594516-J

| | |
|------------------------|--|
| 07/08/2009, 07/13/2009 |  Events: 07/02/2009 Motion <i>Petitioners' Motion for Stay Pending Appeal and Request for Order Shortening Time</i> |
| 07/09/2009 |  Notice of Intent to Participate Filed By: Defendant Mogg, Gary <i>Notice of Intent to Participate in and Response to Petition for Judicial Review</i> |
| 07/30/2009 |  Order Granting Motion Filed By: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Order Granting Motion for Stay</i> |
| 08/03/2009 |  Notice of Entry of Order Filed By: Plaintiff Fitzgeralds Casino/Hotel |
| 08/07/2009 |  Certification of Transmittal |
| 08/07/2009 |  Transmittal of Record on Appeal |
| 09/14/2009 |  Petitioner's Opening Brief Filed by: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Petitioners' Opening Brief in Support of their Petition for Judicial Review</i> |
| 10/09/2009 |  Stipulation and Order Filed by: Defendant Mogg, Gary <i>Stipulation and Order Extending Briefing Schedule</i> |
| 10/14/2009 |  Notice of Entry of Order Filed By: Defendant Mogg, Gary |
| 11/13/2009 |  Respondent's Answering Brief Filed by: Defendant Mogg, Gary <i>Respondent's Answering Brief</i> |
| 12/15/2009 |  Petitioner's Reply Brief Filed by: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Petitioner's Reply Brief in Support of Their Petition for Judicial Review</i> |
| 12/28/2009 |  Request Filed by: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Request for and Notice of Oral Argument on Petition for Judicial Review</i> |
| 02/01/2010 |  Request (3:00 AM) (Judicial Officer: Adair, Valerie) 02/01/2010, 02/17/2010 Events: 12/28/2009 Request <i>Petition for Judicial Review</i> |
| 03/18/2010 |  Order to Statistically Close Case <i>Order to Statistically Close Case</i> |

CASE SUMMARY

CASE No. A-09-594516-J

| | |
|------------|---|
| 03/22/2010 |  Order Denying Filed By: Defendant Mogg, Gary <i>Decision and Order Denying Petition for Judicial Review</i> |
| 03/22/2010 | Order Denying Judicial Review (Judicial Officer: Adair, Valerie) Debtors: Cannon Cochran Management Services Inc (Plaintiff), Fitzgeralds Casino/Hotel (Plaintiff) Creditors: Nevada Dept Of Administration Appeals (Defendant), Gary Mogg (Defendant) Judgment: 03/22/2010, Docketed: 03/25/2010 |
| 03/22/2010 | Appeal Dismissed (Judicial Officer: Adair, Valerie) Debtors: Cannon Cochran Management Services Inc (Plaintiff), Fitzgeralds Casino/Hotel (Plaintiff) Creditors: Nevada Dept Of Administration Appeals (Defendant), Gary Mogg (Defendant) Judgment: 03/22/2010, Docketed: 03/25/2010 |
| 03/23/2010 |  Notice of Entry of Decision and Order Filed By: Defendant Mogg, Gary <i>Notice of Entry of Decision and Order Denying Petition for Judicial Review</i> |
| 04/08/2010 |  Case Appeal Statement <i>Case Appeal Statement</i> |
| 04/08/2010 |  Notice of Appeal Filed By: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Notice of Appeal</i> |
| 04/09/2010 |  Certificate of Mailing <i>Certificate of Mailing</i> |
| 04/09/2010 |  Notice of Filing Cost Bond Filed By: Plaintiff Cannon Cochran Management Services Inc; Plaintiff Fitzgeralds Casino/Hotel <i>Notice of Filing Bond for Costs on Appeal</i> |
| 04/12/2010 |  Opposition to Motion <i>Respondent's Opposition to Motion for Stay Pending Appeal</i> |

| DATE | FINANCIAL INFORMATION |
|------|---|
| | Plaintiff Fitzgeralds Casino/Hotel |
| | Total Charges 280.00 |
| | Total Payments and Credits 280.00 |
| | Balance Due as of 4/13/2010 0.00 |
| | Plaintiff Fitzgeralds Casino/Hotel |
| | APPEAL BOND Balance as of 4/13/2010 500.00 |

ORIGINAL CIVIL COVER SHEET

Clark County, Nevada

A09594516 J

XXI

Case No. _____

I.

Plaintiff: FITZGERALD'S CASINO/HOTEL and CANNON COCHRAN MANAGEMENT SERVICES, INC.

Attorney: JOHN P. LAVERY, ESQ. (Bar # 004665) and JEANNE P. BAWA, ESQ. (007359); and LEWIS BRISBOIS BISGAARD & SMITH LLP, 400 South Fourth Street, Suite 500, Las Vegas NV 89101, (702) 893-3383

Defendants: GARY MOGG, and the STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE

Attorney: MELODIE C. SWANSON, ESQ., for GARY MOGG

II. NATURE OF CONTROVERSY

☐ **ARBITRATION REQUESTED**

Civil Cases

| Real Property | Torts | |
|---|---|---|
| <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning | Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other | <input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel or Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition |
| Probate | Other Civil | Filing Types |
| <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Probate Trust/Conservatorships <input type="checkbox"/> Other Probate | <input type="checkbox"/> Construction Defect <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input checked="" type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Employer's Insurance of Nevada | <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters |

A-09-594516-J
218246



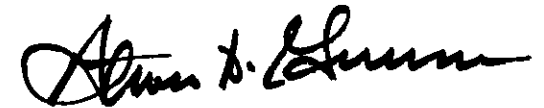
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104B) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

June 24, 2009

Date

Signature of Initiating Party or Representative



CLERK OF THE COURT

ORDD
GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 000450
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

FITZGERALDS CASINO/HOTEL; AND)
CANNON COCHRAN MANAGEMENT)
SERVICES, INC.,)

Petitioners,)

v.)

GARY MOGG; and the DEPARTMENT OF)
ADMINISTRATION, HEARINGS)
DIVISION, APPEALS OFFICE,)
an Agency of the State of Nevada,)

Respondents.)

CASE NO. A-09-594516-J
DEPT NO. XXI

DATE: February 17, 2010
TIME: 9:30 a.m.

DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

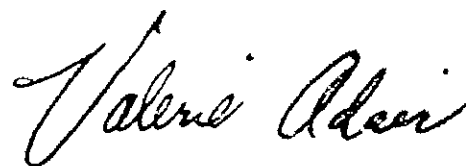
The Court, having reviewed the parties' briefs and the Record on Appeal on Petitioner's Petition for Judicial Review, and having considered arguments of counsel, and finding good cause therefore, hereby finds that the June 15, 2009 Decision and Order of the appeals officer was not in violation of applicable statutory and regulatory provisions, nor in excess of the statutory authority of the appeals officer, nor made upon unlawful procedures, nor affected by other errors of law. The Court further finds that there is substantial, reliable and probative evidence in the Record to support the Findings of Fact and Conclusions of Law contained in the appeals officer's Decision and Order.

| | | | |
|---|--|---|---|
| <input type="checkbox"/> Voluntary Dis | <input type="checkbox"/> Stip Dis | <input type="checkbox"/> Sum Jdgmt | FINAL DISPOSITIONS |
| <input type="checkbox"/> Involuntary (stat) Dis | <input type="checkbox"/> Stip Jdgmt | <input type="checkbox"/> Non-Jury Trial | <input type="checkbox"/> Time Limit Expired |
| <input type="checkbox"/> Jdgmt on App Award | <input type="checkbox"/> Default Jdgmt | <input type="checkbox"/> Jury Trial | <input checked="" type="checkbox"/> Dismissed (with or without prejudice) |
| <input type="checkbox"/> Mtn to Dis (by deft) | <input type="checkbox"/> Transferred | | <input type="checkbox"/> Judgment Satisfied/Paid in full |

Wherefore, it is the decision of this Court that the
appeals officer's June 15, 2009 Decision and Order is hereby
AFFIRMED, and the Petition for Judicial Review is hereby
DISMISSED with prejudice. The previous July 27, 2009 Order
Granting Motion for Stay is RESCINDED.

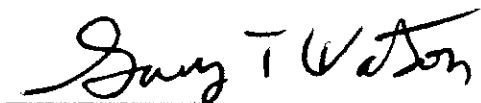
IT IS SO ORDERED.

DATED this 19th day of March, 2010.



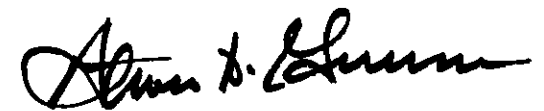
DISTRICT COURT JUDGE

Submitted by:



GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 000450
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Mogg

GTW_MOGG, GARY_Order Denying PJR.WPD



CLERK OF THE COURT

NEO
GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 000450
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

FITZGERALDS CASINO/HOTEL; AND)
CANNON COCHRAN MANAGEMENT)
SERVICES, INC.,)

Petitioners,)

CASE NO. A-09-594516-J
DEPT NO. XXI

v.)

GARY MOGG; and the DEPARTMENT OF)
ADMINISTRATION, HEARINGS)
DIVISION, APPEALS OFFICE,)
an Agency of the State of Nevada,)

Respondents.)

NOTICE OF ENTRY OF ORDER

TO: FITZGERALDS CASINO/HOTEL and CCMSI, Petitioners; and

TO: JOHN P. LAVERY, ESQ., its counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that a
DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW in the
above-entitled matter was entered herein on the 22ND day of March,
2010, a true and correct copy of which is attached hereto.

DATED this _____ day of March, 2010.

Respectfully submitted:

_____/s/ Gary T. Watson

GARY T. WATSON, ESQ., deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 000450
2200 S. Rancho Drive Ste 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Mogg

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW was made this day by depositing for mailing at Las Vegas, Nevada, a true copy of the attached document addressed to:

JOHN P. LAVERY, ESQ.
LEWIS, BRISBOIS, ET AL
400 S FOURTH STREET STE 500
LAS VEGAS NV 89101

GARY MOGG
2379 CLIFFWOOD DRIVE
HENDERSON NV 89074

DATED: 3/23/10

SIGNED: /s/ Erin Haisley
ERIN HAISLEY

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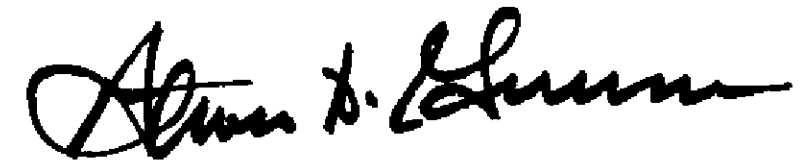
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○

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3



CLERK OF THE COURT

ORDD
GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 000450
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Gary Mogg

DISTRICT COURT
CLARK COUNTY, NEVADA

FITZGERALDS CASINO/HOTEL; AND
CANNON COCHRAN MANAGEMENT
SERVICES, INC.,

Petitioners,

v.

GARY MOGG; and the DEPARTMENT OF
ADMINISTRATION, HEARINGS
DIVISION, APPEALS OFFICE,
an Agency of the State of Nevada,

Respondents.

CASE NO. A-09-594516-J
DEPT NO. XXI

DATE: February 17, 2010
TIME: 9:30 a.m.

DECISION AND ORDER
DENYING PETITION FOR JUDICIAL REVIEW

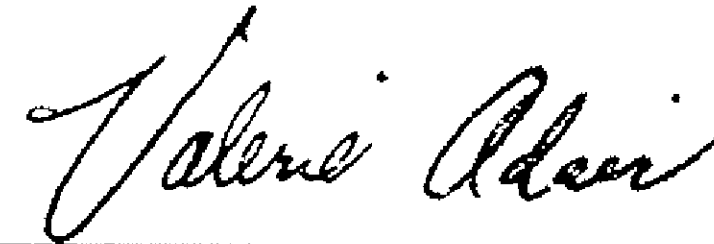
The Court, having reviewed the parties' briefs and the Record on Appeal on Petitioner's Petition for Judicial Review, and having considered arguments of counsel, and finding good cause therefore, hereby finds that the June 15, 2009 Decision and Order of the appeals officer was not in violation of applicable statutory and regulatory provisions, nor in excess of the statutory authority of the appeals officer, nor made upon unlawful procedures, nor affected by other errors of law. The Court further finds that there is substantial, reliable and probative evidence in the Record to support the Findings of Fact and Conclusions of Law contained in the appeals officer's Decision and Order.

| | | | |
|---|--|---|---|
| <input type="checkbox"/> Voluntary Dis | <input type="checkbox"/> Stip Dis | <input type="checkbox"/> Sum Jdgmt | FINAL DISPOSITIONS |
| <input type="checkbox"/> Involuntary (stat) Dis | <input type="checkbox"/> Stip Jdgmt | <input type="checkbox"/> Non-Jury Trial | <input type="checkbox"/> Time Limit Expired |
| <input type="checkbox"/> Jdgmt on App Award | <input type="checkbox"/> Default Jdgmt | <input type="checkbox"/> Jury Trial | <input checked="" type="checkbox"/> Dismissed (with or without prejudice) |
| <input type="checkbox"/> Mtn to Dis (by deft) | <input type="checkbox"/> Transferred | | <input type="checkbox"/> Judgment Satisfied/Paid in full |

Wherefore, it is the decision of this Court that the
appeals officer's June 15, 2009 Decision and Order is hereby
AFFIRMED, and the Petition for Judicial Review is hereby
DISMISSED with prejudice. The previous July 27, 2009 Order
Granting Motion for Stay is RESCINDED.

IT IS SO ORDERED.

DATED this 19th day of March, 2010.



DISTRICT COURT JUDGE

Submitted by:



GARY T. WATSON, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 000450
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Respondent Mogg

GTW_MOGG, GARY_Order Denying PJR.WPD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Civil Petition for Judicial
Review

COURT MINUTES

July 13, 2009

A-09-594516-J Fitzgeralds Casino/ Hotel, Plaintiff(s)
vs.
Gary Mogg, Defendant(s)

July 13, 2009 3:00 AM Motion

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Civil Petition for Judicial
Review

COURT MINUTES

February 01, 2010

A-09-594516-J Fitzgeralds Casino/ Hotel, Plaintiff(s)
vs.
Gary Mogg, Defendant(s)

February 01, 2010 3:00 AM Request

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, CONTINUED for hearing at the request of petitioners.

2/17/10 9:30 AM ORAL ARGUMENT ON PETITION FOR JUDICIAL REVIEW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Civil Petition for Judicial
Review**

COURT MINUTES

February 17, 2010

A-09-594516-J Fitzgeralds Casino/ Hotel, Plaintiff(s)
vs.
Gary Mogg, Defendant(s)

February 17, 2010 9:30 AM Request

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Janie Olsen

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, petition DENIED; Appeals Officer's Decision STANDS.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF FILING
BOND FOR COSTS ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;
DECISION AND ORDER DENYING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF
ORDER; DISTRICT COURT MINUTES;

FITZGERALDS CASINO/HOTEL; CANNON)
COCHRAN MANAGEMENT SERVICES,)
INC.,)

Case No: A594516
Dept No: XXI

Plaintiff(s),)

vs.)

GARY MOGG; STATE OF NEVADA)
DEPARTMENT OF ADMINISTRATION,)
APPEALS OFFICE,)

Defendant(s),)

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 13 day of April 2010.

Steven D. Grierson, Clerk of the Court



Heather Lofquist, Deputy Clerk

LEWIS BRISBOIS BISGAARD

& SMITH LLP

400 S 4th St Ste 500

Las Vegas, NV 89101-6207

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DATE 4/8/10

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