

NOAS
MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
Corporation,

Plaintiff,

vs.

DR PARTNERS, a Nevada General
Partnership, d/b/a STEPHENS
MEDIA GROUP; DOES 1-X,
inclusive,

Defendants.

Electronically Filed
08/21/2015 09:49:06 AM

Tracie K. Lindeman
Electronically Filed
Aug 26 2015 11:15 a.m.
CLERK OF THE COURT
Tracie K. Lindeman
Clerk of Supreme Court

) Case No.: A-15-715008-B
) Dept. No.: XI

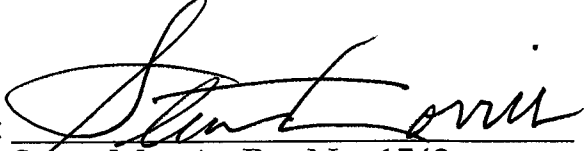
) **NOTICE OF APPEAL**

Notice is hereby given that defendant DR Partners, d/b/a
Stephens Media Group ("Stephens Media"), hereby appeals to the Supreme

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court of Nevada from the order denying Stephens Media's Renewed
Motion to Compel Arbitration entered in this action on August 19, 2015.

MORRIS LAW GROUP

By: 

Steve Morris, Bar No. 1543
Akke Levin, Bar No. 9102
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I caused the following documents to be served via the Court's Odyssey E-Filing system: **NOTICE OF APPEAL**. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

TO:

Lewis Roca Rothgerber LLP

Leif Reid lreid@lrrlaw.com


Kristen Martini kmartini@lrrlaw.com

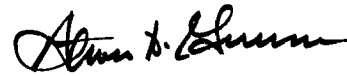
Moran Brandon Bendavid Moran

John Moran john.moran@moranlawfirm.com

Jeffrey Bendavid j.bendavid@moranlawfirm.com

Dated this 21st day of August, 2015.

By: 



CLERK OF THE COURT

1 **ASTA**
2 **MORRIS LAW GROUP**
3 Steve Morris, Bar No. 1543
4 Email: sm@morrislawgroup.com
5 Akke Levin, Bar No. 9102
6 Email: al@morrislawgroup.com
7 900 Bank of America Plaza
8 300 South Fourth Street
9 Las Vegas, Nevada 89101
10 Telephone: (702) 474-9400
11 Facsimile: (702) 474-9422

12 Attorneys for Defendant
13 DR Partners d/b/a Stephens
14 Media Group

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **LAS VEGAS SUN, INC., a Nevada**
18 **Corporation,**
19 **Plaintiff,**
20 **vs.**

) **Case No.: A-15-715008-B**
) **Dept. No.: XI**

) **CASE APPEAL STATEMENT**

21 **DR PARTNERS, a Nevada General**
22 **Partnership, d/b/a STEPHENS**
23 **MEDIA GROUP; DOES 1-X,**
24 **inclusive,**

25 **Defendants.**

26 Pursuant to NRAP 3(f)(3), appellant DR PARTNERS, d/b/a
27 Stephens Media Group, submits the following Case Appeal Statement:

28 **1. Name of appellant filing this case appeal statement:**

DR PARTNERS, d/b/a Stephens Media Group ("Stephens
Media").

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

Judge Elizabeth Goff Gonzalez, Eighth Judicial District Court.

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

Appellant: Stephens Media.

Counsel: Steve Morris and Akke Levin, MORRIS LAW GROUP, 900 Bank of America Plaza, 300 South Fourth Street, Las Vegas, Nevada 89101.

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

Respondent: Las Vegas Sun, Inc. ("LV Sun" or "Sun").

Counsel: E. Leif Reid and Kristen L. Martini, LEWIS ROCA ROTHGERBER, LLP, 50 West Liberty Street, Suite 420, Reno, NV 89501 and John T. Moran, Jr., and Jeffrey A. BENDAVID, MORAN BRANDON BENDAVID, 630 South Fourth Street, Las Vegas, Nevada 89101

5. Indicate whether any attorney identified in response to question 3 or 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Not Applicable.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court, and whether the appellant is represented by appointed or retained counsel on appeal:

Retained counsel.

1 7. Indicate whether appellant was granted leave to
2 proceed in forma pauperis, and the date of entry of the district court
3 order granting that leave:

4 Not Applicable.

5 8. Indicate the date that the proceedings commenced in
6 the district court:

7 March 10, 2015.

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

11 Brief description of nature of the action:

12 This is a dispute between plaintiff LV Sun and Stephens Media,
13 as owner and publisher of the Las Vegas *Review Journal* ("*Review Journal*"),
14 over the calculation and distribution of profits under a Joint Operating
15 Agreement, as amended and restated in 2005 ("JOA"). The LV Sun alleges
16 that the *Review Journal* has miscalculated annual profit payments to the Sun
17 under the JOA by treating its editorial costs as a cost of doing business to
18 arrive at profit available for distribution to the Sun under the agreement.

19 Profit from operations under the JOA is determined annually
20 under Appendix D to the Agreement. If there is a disagreement between
21 the parties over profit and its calculation, Appendix D to the JOA stipulates
22 that the disagreement shall be resolved in arbitration by a certified public
23 accountant in accordance with "the commercial arbitration rules of the
24 American Arbitration Association." The Sun, however, contends that the
25 dispute is a legal dispute involving the meaning of § 4.2 of the JOA, which
26 does not address the Sun's compensation or its calculation of profit on
27 annual basis.

28

Proceedings and result in the district court:

This lawsuit was initiated by the Sun under a complaint that triggered the arbitration clause because the Sun sought "a proper calculation of EBITDA ("earnings before interest, taxes, depreciation and amortization") and payment of all [outstanding] Annual Profits Payment obligations," which the Sun alleged to be at least \$6,000,000, plus interest, since the JOA went into effect in 2005. The District Court, in response to Stephens Media's motion to compel arbitration, ordered the parties to arbitration. At the same time, however, the Court encouraged the Sun to file an amended complaint that on its face would not invoke arbitration. The Sun then filed its First Amended Complaint seeking only declaratory relief as to the "meaning" of section 4.2 and "the obligations it places on the Parties' performance" of the JOA.

According to the Sun, section 4.2 of the JOA prohibits Stephens Media from considering its editorial costs as an expense of doing business to arrive at EBITDA to compute profits and allocation of profits to the Sun in accordance with Appendix D to the JOA. Stephens Media responded to the Amended Complaint with a Renewed Motion to Compel Arbitration, which the District Court denied.

Stephens Media is appealing from the August 19, 2015 order of the district court that denies its Renewed Motion to Compel Arbitration.

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

Not Applicable.

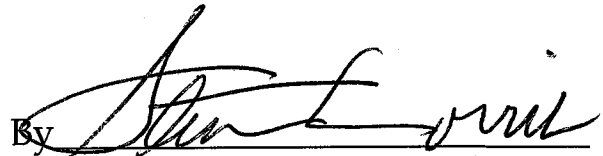
1 11. Indicate whether this appeal involves child custody or
2 visitation:

3 Not Applicable

4 12. If this is a civil case, indicate whether this appeal
5 involves the possibility of settlement.

6 Stephens Media is not optimistic that the parties can resolve
7 this legal dispute through settlement.

8 MORRIS LAW GROUP

9
10
11 By 


12 Steve Morris, Bar No. 1543
13 Akke Levin, Bar No. 9102
14 900 Bank of America Plaza
15 300 South Fourth Street
16 Las Vegas, Nevada 89101

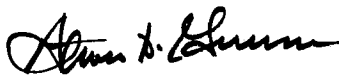
17 Attorneys for Defendant
18 DR Partners d/b/a Stephens
19 Media Group
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I caused the following documents to be served via the Court's Odyssey E-Filing system: **CASE APPEAL STATEMENT**. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

TO:

Lewis Roca Rothgerber LLPLeif Reid lreid@lrrlaw.comKristen Martini kmartini@lrrlaw.com**Moran Brandon Bendavid Moran**John Moran john.moran@moranlawfirm.comJeffrey Bendavid j.bendavid@moranlawfirm.comDated this 21st day of August, 2015.By: 


CLERK OF THE COURT

NPNR
MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
Corporation,
Plaintiff,
vs.

DR PARTNERS, a Nevada General
Partnership, d/b/a STEPHENS
MEDIA GROUP; DOES 1-X,
inclusive,
Defendants.

) Case No.: A-15-715008-B
) Dept. No.: XI

) **NOTICE OF POSTING \$500.00**
) **IN LIEU OF COST BOND ON**
) **APPEAL**

PLEASE TAKE NOTICE that a check in the amount of \$500 in
lieu of the Cost Bond required by NRAP 7 has been posted on behalf of
Defendant/Appellant DR Partners d/b/a Stephens Media Group.

MORRIS LAW GROUP


900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101
702/474-9400 · FAX 702/474-9422

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A receipt for payment of the \$500 is attached hereto as Exhibit

A.

MORRIS LAW GROUP

By 

Steve Morris, Bar No. 1543
Akke Levin, Bar No. 9102
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I caused the following document(s) to be served via the Court's Odyssey E-Filing System: **NOTICE OF POSTING \$500.00 IN LIEU OF COST BOND ON APPEAL.** The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

TO:

Lewis Roca Rothgerber LLP

Leif Reid lreid@lrrlaw.com

Kristen Martini kmartini@lrrlaw.com

Moran Brandon Bendavid Moran

John Moran john.moran@moranlawfirm.com

Jeffrey Bendavid j.bendavid@moranlawfirm.com

DATED this 21st day of August, 2015.

By 

EXHIBIT A

EXHIBIT A

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Morris Law Group

Receipt No.
2015-88792-CCCLK

Transaction Date
08/21/2015

Description	Amount Paid
On Behalf Of DR Partners A-15-715008-B Las Vegas Sun Inc, Plaintiff(s) vs. DR Partners, Defendant(s) Appeal Bond	
Appeal Bond SUBTOTAL	500.00 500.00
PAYMENT TOTAL	500.00
Check (Ref #35783) Tendered Total Tendered Change	500.00 500.00 0.00
08/21/2015 11:33 AM	Cashier Station AIKO
Audit 35200840	

OFFICIAL RECEIPT

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-15-715008-B

Las Vegas Sun Inc, Plaintiff(s)
vs.
DR Partners, Defendant(s)

§
§
§
§
§

Location: **Department 11**
Judicial Officer: **Gonzalez, Elizabeth**
Filed on: **03/10/2015**
Cross-Reference Case Number: **A715008**

CASE INFORMATION

Case Type: **Other Business Court Matters**
Case Flags: **Discovery heard by Department
Appealed to Supreme Court
Other Civil Matters**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-15-715008-B
Court	Department 11
Date Assigned	03/10/2015
Judicial Officer	Gonzalez, Elizabeth

PARTY INFORMATION

Plaintiff **Las Vegas Sun Inc**

Lead Attorneys
Reid, Leif
Retained
7027845631(W)




Defendant **DR Partners**

Morris, Steve L.
Retained
7024749400(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

03/10/2015	 Complaint (Business Court) Filed By: Plaintiff Las Vegas Sun Inc <i>Complaint for Specific Performance and Declaratory Judgment</i>	
03/10/2015	Case Opened	
03/10/2015	Discovery Heard by Department/Deemed Complex	
03/10/2015	Other Civil Matters	
03/16/2015	 Affidavit of Service Filed By: Plaintiff Las Vegas Sun Inc <i>Affidavit of Service - DR Partners</i>	
04/01/2015	 Motion to Compel Filed By: Defendant DR Partners <i>Motion to Compel Arbitration</i>	
04/01/2015	 Initial Appearance Fee Disclosure Filed By: Defendant DR Partners <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
04/07/2015	 Disclosure Statement	





DEPARTMENT 11
CASE SUMMARY
CASE NO. A-15-715008-B

	Party: Plaintiff Las Vegas Sun Inc <i>Disclosure Statement</i>
04/20/2015	 Opposition to Motion Filed By: Plaintiff Las Vegas Sun Inc <i>Plaintiff's Opposition to Motion to Compel Arbitration</i>
04/23/2015	 Notice of Association of Counsel Filed By: Plaintiff Las Vegas Sun Inc <i>Notice of Association of Counsel</i>
05/12/2015	 Reply in Support Filed By: Defendant DR Partners <i>Reply in Support of Motion to Compel Arbitration</i>
05/19/2015	 Motion to Compel (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Compel Arbitration</i>
05/26/2015	 Motion for Leave to File Party: Plaintiff Las Vegas Sun Inc <i>Plaintiff's Motion for Leave to File First Amended Complaint on Order Shortening Time</i>
06/01/2015	 Order Granting Motion <i>Order Granting Motion to Compel Arbitration</i>
06/03/2015	 Opposition to Motion Filed By: Defendant DR Partners <i>Defendant's Opposition to Plaintiff's Motion for Leave to File First Amended Complaint on Order Shortening Time</i>
06/04/2015	 Motion for Leave (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 05/26/2015 Motion for Leave to File <i>Plaintiff's Motion for Leave to File First Amended Complaint on Order Shortening Time</i>
06/09/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings: Plaintiff's Motion for Leave to File First Amended Complaint on Order Shortening Time, heard June 4, 2015</i>
06/11/2015	 Notice of Entry of Order Filed By: Defendant DR Partners <i>Notice of Entry of Order of Motion to Compel Arbitration</i>
06/19/2015	 Order Granting Motion Filed By: Plaintiff Las Vegas Sun Inc <i>Order Granting Plaintiff's Motion for Leave to File First Amended Complaint on Order Shortening Time</i>
06/22/2015	 First Amended Complaint Filed By: Plaintiff Las Vegas Sun Inc <i>First Amended Complaint for Declaratory Judgment</i>
06/22/2015	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Sun Inc <i>Notice of Entry of Order</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-15-715008-B

07/10/2015	 Motion to Compel Filed By: Defendant DR Partners <i>Renewed Motion to Compel Arbitration</i>
07/10/2015	 Motion for Summary Judgment Filed By: Plaintiff Las Vegas Sun Inc <i>Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Relief Action</i>
07/17/2015	 Motion to Stay Filed By: Defendant DR Partners <i>Motion to Stay and Application for Order Shortening Time and Order Shortening Time</i>
07/22/2015	 Opposition to Motion Filed By: Plaintiff Las Vegas Sun Inc <i>Opposition to DR Partners' Motion to Stay and Application for Order Shortening Time and Order Shortening Time</i>
07/23/2015	 Motion to Stay (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Stay and Application for Order Shortening Time and Order Shortening Time</i>
07/29/2015	 Opposition to Motion Filed By: Plaintiff Las Vegas Sun Inc <i>Opposition to DR Partners' Renewed Motion to Compel Arbitration</i>
07/29/2015	 Opposition Filed By: Defendant DR Partners <i>Defendant's Opposition to Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Judgment Relief Action</i>
07/29/2015	 Declaration Filed By: Defendant DR Partners <i>Declaration of Michael Ferguson in Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Judgment Relief Action</i>
07/29/2015	 Declaration Filed By: Defendant DR Partners <i>Declaration of Akke Levin in Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Judgment Relief Action</i>
08/11/2015	 Reply in Support Filed By: Defendant DR Partners <i>Reply In Support of Renewed Motion to Compel Arbitration</i>
08/11/2015	 Reply to Opposition Filed by: Plaintiff Las Vegas Sun Inc <i>Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Judgment (SIC) Relief Action</i>
08/18/2015	 Motion to Compel (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants' Renewed Motion to Compel Arbitration</i>
08/19/2015	 Order Denying

DEPARTMENT 11
CASE SUMMARY
CASE NO. A-15-715008-B

	Filed By: Defendant DR Partners <i>Order Denying Renewed Motion to Compel Arbitration and Staying Proceedings</i>
08/19/2015	 Notice of Entry of Order Filed By: Defendant DR Partners <i>Notice of Entry of Order Denying Renewed Motion to Compel Arbitration and Staying Proceedings</i>
08/21/2015	 Notice of Appeal Filed By: Defendant DR Partners <i>Notice of Appeal</i>
08/21/2015	 Case Appeal Statement Filed By: Defendant DR Partners <i>Case Appeal Statement</i>
08/21/2015	 Notice of Posting of Cost Bond Filed By: Defendant DR Partners <i>Notice of Posting \$500 in Lieu of Cost Bond on Appeal</i>
08/25/2015	CANCELED Motion for Summary Judgment (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i> <i>Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Relief Action</i>

DATE

FINANCIAL INFORMATION

Defendant DR Partners	
Total Charges	1,507.00
Total Payments and Credits	1,507.00
Balance Due as of 8/24/2015	0.00
Plaintiff Las Vegas Sun Inc	
Total Charges	1,765.00
Total Payments and Credits	1,765.00
Balance Due as of 8/24/2015	0.00
Defendant DR Partners	
Appeal Bond Balance as of 8/24/2015	500.00

BUSINESS COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

A - 15 - 715008 - B

X I

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

Plaintiff(s) (name/address/phone): Las Vegas Sun, Inc., a Nevada Corporation	Defendant(s) (name/address/phone): DR Partners, a Nevada General Partnership, d/b/a Stephens Media Group; DOES I-X, inclusive
Attorney (name/address/phone): E. Leif Reid, Esq., Lewis Roca Rothgerber LLP 50 W. Liberty Street, Suite 410, Reno, Nevada 89501 (775) 823-2900	Attorney (name/address/phone):

II. Nature of Controversy (Please check the applicable boxes for both the civil case type and business court case type)

☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types		
Real Property <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <input type="checkbox"/> Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <input type="checkbox"/> Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts 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 type="checkbox"/> Other Tort	CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters		
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 type="checkbox"/> Other Contract	Civil Writs <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	WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 593) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters		
Judicial Review/Appeal/Other Civil Filing <table style="width: 100%;"> <tr> <td style="width: 50%;"> Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court </td> <td style="width: 50%;"> Other Civil Filing <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters </td> </tr> </table>		Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Other Civil Filing <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	
Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Other Civil Filing <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters			

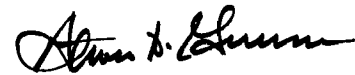
3-10-15

Date

Signature of initiating party or representative

ORDD
MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Electronically Filed
08/19/2015 03:01:30 PM



CLERK OF THE COURT

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
Corporation,
Plaintiff,
vs.

DR PARTNERS, a Nevada General
Partnership, d/b/a STEPHENS
MEDIA GROUP; DOES 1-X,
inclusive,
Defendants.

) Case No.: A-15-715008-B
) Dept. No.: XI

) **ORDER DENYING RENEWED
MOTION TO COMPEL
ARBITRATION AND
STAYING PROCEEDINGS**

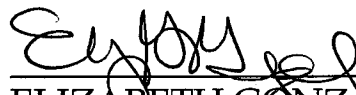
) **DATE: August 18, 2015
TIME: 8:30 a.m.**

DR Partners', d/b/a Stephens Media Group ("Stephens Media"), motion to compel arbitration and for a stay of proceedings came on for a hearing on August 18, 2005. Jeffrey Bendavid, Kristen Martini, and Leif Reid appeared for the Las Vegas Sun; Steve Morris appeared for Stephens Media.

Now, having considered the motion and heard the arguments of counsel, and good cause appearing, the Court hereby

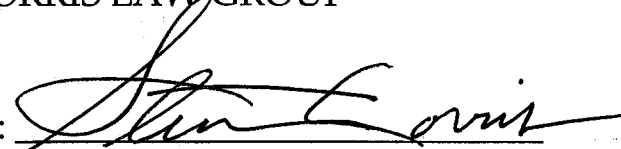
- 1 (1) denies the motion to compel arbitration;
- 2 (2) stays all proceedings for five days from the date of this
- 3 Order to allow Stephens Media time to file a Notice of Appeal to the
- 4 Nevada Supreme Court. In the event the Notice of Appeal is filed within
- 5 five days, the stay will not expire but will continue pending disposition of
- 6 the appeal by the Supreme Court. In the event the Notice of Appeal is not
- 7 filed within five days of this Order, the stay shall expire without further
- 8 proceedings and *TS may seek a bond for the stay if appropriate* TS
- 9 (3) the hearing on the Sun's motion for summary judgment,
- 10 scheduled for August 25, 2015, is vacated.

11
12 Dated this 19th day of August, 2015.

13
14 
15 ELIZABETH GONZALEZ
16 DISTRICT COURT JUDGE - DEPT. 11
17

18 Submitted by:

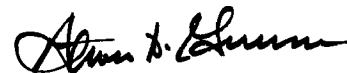
19 MORRIS LAW GROUP

20
21 By: 
22 Steve Morris, No. 1543
23 Akke Levin, No. 9102
24 900 Bank of America Plaza
25 300 South Fourth Street
Las Vegas, Nevada 89101

26 Attorneys for Defendant
27 DR Partners d/b/a
28 Stephens Media Group

NEOJ
MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Electronically Filed
08/19/2015 04:08:14 PM



CLERK OF THE COURT

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada
Corporation,

Plaintiff,

vs.

DR PARTNERS, a Nevada General
Partnership, d/b/a STEPHENS
MEDIA GROUP; DOES 1-X,
inclusive,

Defendants.

) Case No.: A-15-715008-B
) Dept. No.: XI

) NOTICE OF ENTRY OF
) ORDER DENYING RENEWED
) MOTION TO COMPEL
) ARBITRATION AND
) STAYING PROCEEDINGS

PLEASE TAKE NOTICE that an Order Denying Renewed
Motion to Compel Arbitration and Staying Proceedings was entered in this
action on August 19, 2015.

1 A copy of the Order is attached.
2

3 MORRIS LAW GROUP
4

5
6 By /s/ STEVE MORRIS
7 Steve Morris, Bar No. 1543
8 Akke Levin, Bar No. 9102
9 900 Bank of America Plaza
10 300 South Fourth Street
11 Las Vegas, Nevada 89101

12 Attorneys for Defendant
13 DR Partners d/b/a Stephens
14 Media Group
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101
702/474-9400 · FAX 702/474-9422

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I caused the following document(s) to be served via the Court's Odyssey E-Filing System: **NOTICE OF ENTRY OF ORDER DENYING RENEWED MOTION TO COMPEL ARBITRATION AND STAYING PROCEEDINGS**. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

TO:

Lewis Roca Rothgerber LLP

Leif Reid lreid@lrrlaw.com

Kristen Martini kmartini@lrrlaw.com

Moran Brandon Bendavid Moran

John Moran john.moran@moranlawfirm.com

Jeffrey Bendavid j.bendavid@moranlawfirm.com

DATED this 19th day of August, 2015.

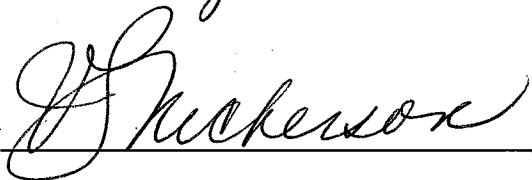
By 

EXHIBIT A

EXHIBIT A

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101
702/474-9400 · FAX 702/474-9422

ORDD
MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Attorneys for Defendant
DR Partners d/b/a Stephens
Media Group

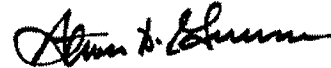
DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS SUN, INC., a Nevada)	Case No.: A-15-715008-B
Corporation,)	Dept. No.: XI
Plaintiff,)	
vs.)	ORDER DENYING RENEWED
)	MOTION TO COMPEL
DR PARTNERS, a Nevada General)	ARBITRATION AND
Partnership, d/b/a STEPHENS)	STAYING PROCEEDINGS
MEDIA GROUP; DOES 1-X,)	
inclusive,)	DATE: August 18, 2015
)	TIME: 8:30 a.m.
Defendants.)	

DR Partners', d/b/a Stephens Media Group ("Stephens Media"), motion to compel arbitration and for a stay of proceedings came on for a hearing on August 18, 2005. Jeffrey Bendavid, Kristen Martini, and Leif Reid appeared for the Las Vegas Sun; Steve Morris appeared for Stephens Media.

Now, having considered the motion and heard the arguments of counsel, and good cause appearing, the Court hereby

Electronically Filed
08/19/2015 03:01:30 PM



CLERK OF THE COURT

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA • 300 SOUTH FOURTH STREET • LAS VEGAS, NEVADA 89101
702/474-9400 • FAX 702/474-9422

- 1 (1) denies the motion to compel arbitration;
2 (2) stays all proceedings for five days from the date of this
3 Order to allow Stephens Media time to file a Notice of Appeal to the
4 Nevada Supreme Court. In the event the Notice of Appeal is filed within
5 five days, the stay will not expire but will continue pending disposition of
6 the appeal by the Supreme Court. In the event the Notice of Appeal is not
7 filed within five days of this Order, the stay shall expire without further
8 proceedings and *It may seek a bond for the stay if appropriate* (20)
9 (3) the hearing on the Sun's motion for summary judgment,
10 scheduled for August 25, 2015, is vacated.

11
12 Dated this 19th day of August, 2015.

13
14 *Elizabeth Gonzalez*
15 ELIZABETH GONZALEZ
16 DISTRICT COURT JUDGE - DEPT. 11
17

18 Submitted by:

19 MORRIS LAW GROUP

20
21 By: *Steve Morris*

22 Steve Morris, No. 1543
23 Akke Levin, No. 9102
24 900 Bank of America Plaza
25 300 South Fourth Street
Las Vegas, Nevada 89101

26 Attorneys for Defendant
27 DR Partners d/b/a
28 Stephens Media Group

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

May 19, 2015

A-15-715008-B	Las Vegas Sun Inc, Plaintiff(s) vs. DR Partners, Defendant(s)
---------------	---

May 19, 2015	8:30 AM	Motion to Compel
---------------------	----------------	-------------------------

HEARD BY: Gonzalez, Elizabeth	COURTROOM: RJC Courtroom 14C
--------------------------------------	-------------------------------------

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Bendavid, Jeffrey A.	Attorney
	Levin, Akke	Attorney
	Martin, Kristin, ESQ	Attorney
	Moran, Jr., John T.	Attorney
	Morris, Steve L.	Attorney
	Reid, Leif	Attorney

JOURNAL ENTRIES

- Also present: Brian and Myra Greenspun, owners of the Las Vegas Sun.

Arguments by counsel regarding calculation dispute. COURT ORDERED, because the complaint as currently drafted relates to calculation of EBITDA, the complaint as currently drafted falls within Appendix D of the agreement; for that reason, the motion is GRANTED. Mr. Morris to draft the order. Court directed counsel for Plaintiff to file a motion if he seeks to amend the complaint and the Court will sign an OST.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

June 04, 2015

A-15-715008-B Las Vegas Sun Inc, Plaintiff(s)
vs.
DR Partners, Defendant(s)

June 04, 2015 8:30 AM Motion for Leave

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffrey A. Attorney
 Morris, Steve L. Attorney
 Reid, Leif Attorney

JOURNAL ENTRIES

- Brian and Myra Greenspun, Client Representatives for Plaintiff, present.

Arguments by counsel. COURT ORDERED, motion GRANTED under Rule 15; leave should be given freely unless futile; Court will make a decision as to declaration of the meaning of paragraph 4.2. Plaintiff to file amended complaint, Defendant will respond, Plaintiff will file a motion for declaratory relief, and Defendant will respond; counsel to inform the Court if they need discovery or an evidentiary hearing related to the declaratory relief so it can be structured.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 23, 2015

A-15-715008-B Las Vegas Sun Inc, Plaintiff(s)
vs.
DR Partners, Defendant(s)

July 23, 2015 8:30 AM Motion to Stay

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Levin, Akke	Attorney
	Martin, Kristin, ESQ	Attorney
	Reid, Leif	Attorney

JOURNAL ENTRIES

- Also present: Brian Greenspun, Client Representative for the Plaintiff.

Following discussion on procedural issue, COURT ORDERED, Renewed Motion to Compel Arbitration will REMAIN on August 18, 2015, and Plaintiff's Motion for Summary Judgment on Plaintiff's Declaratory Relief Action RESET one week out on August 25, 2015. Counsel for Defendant PERMITTED to file an opposition even though the hearing has been moved out and DIRECTED to do so before the Court decides on the motion to compel arbitration.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters**COURT MINUTES****August 18, 2015**

A-15-715008-B Las Vegas Sun Inc, Plaintiff(s)
vs.
DR Partners, Defendant(s)

August 18, 2015	8:30 AM	Motion to Compel	Defendants' Renewed Motion to Compel Arbitration
------------------------	----------------	-------------------------	---

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Tena Jolley**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Bendavid, Jeffrey A.	Attorney
	Martin, Kristin, ESQ	Attorney
	Morris, Steve L.	Attorney
	Reid, Leif	Attorney

JOURNAL ENTRIES

- Mr. Morris stated that there is a dispute over compensation, referencing Appendix D which contains an arbitration clause. The Sun is requesting the Court to step into the shoes of the arbitrator and rule as a matter of law that editorial costs not be considered for tax and compensation purposes. Mr. Reid argued this is a renewed motion to compel arbitration and the arguments do not meet the rehearing standard under the law. The Court has ruled that the amended complaint does not implicate the arbitration provision and their motion should be denied. COURT FINDS that the declaratory relief claim as stated in the First Amended Complaint does not invoke the arbitration provision and ORDERED, Motion DENIED. Mr. Morris requested a STAY pending an appeal. COURT ORDERED, STAY GRANTED. Court stated it would not order a bond for five days; if the Notice of Appeal is not filed within five days, the stay will be dissolved; after five days, if counsel believes there is an issue requiring a bond, counsel is to file an appropriate motion.

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 POSTING \$500.00 IN LIEU OF COST BOND ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING RENEWED MOTION TO COMPEL ARBITRATION AND STAYING PROCEEDINGS; NOTICE OF ENTRY OF ORDER DENYING RENEWED MOTION TO COMPEL ARBITRATION AND STAYING PROCEEDINGS; DISTRICT COURT MINUTES

LAS VEGAS SUN, INC.,

Plaintiff(s),

vs.

DR PARTNERS dba STEPHENS MEDIA
GROUP,

Defendant(s),

Case No: A715008

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of August 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
08/20/15	08202015	Notice of Appeal CASE # A-15-715008-B	250.00		250.00

MORRIS LAW GROUP
GENERAL ACCOUNT
300 SOUTH FOURTH STREET, SUITE 900
LAS VEGAS, NV 89101
(702) 474-9400

BANK OF NEVADA
2700 W SAHARA AVE
LAS VEGAS, NV 89102
94-17771224

No. 35782

PAY

***250 DOLLARS AND NO CENTS

DATE 08/20/15 CHECK NO. 035782 PAYEE I.D. SUP50

PAY THIS AMOUNT

Clerk of the Supreme Court
201 S. Carson Street, Suite 201
Carson City, NV 89701-4702

\$****250.00

VOID IF NOT CASHED WITHIN 6 MONTHS

TO THE
ORDER
OF


AUTHORIZED SIGNATURE

⑈035782⑈ ⑆122401778⑆ 0120059541⑈