

Electronically Filed
Apr 13 2021 02:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**

2 S. Don Bennion, Esq.
3 Nevada Bar No.: 4530
4 Law Office of S. Don Bennion
5 6980 O'Bannon Drive, Suite 400
6 Las Vegas, Nevada 89117
7 Tel: (702) 333-07777
8 Fax: (702) 333-0577
9 Email: don@bennionlaw.com
10 *Attorney for Plaintiff Cheri Wiman*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 **CHERI RENE WIMAN,**
12 **Plaintiff,**

Case No.: A-19-803928-C
Dept. No.: XXIX

13 **vs.**

14 **COTY REFAELY; DOES 1 through X, and**
15 **ROE CORPORATIONS 1 through X,**
16 **inclusive,**

17 **Defendants.**

21 **NOTICE OF APPEAL**

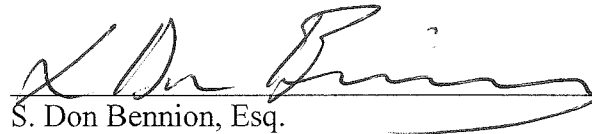
22
23 NOTICE IS HEREBY GIVEN that Plaintiff Cheri Rene Wiman appeals to the Supreme
24 Court of Nevada from the following Order entered March 16, 2021, by the Honorable David
25 Jones, Department XXIX of the Eighth District Court:

26
27 1. The Order of the District Court granting Defendant's Motion To Enforce Settlement
28 Agreement and Addendum and Require Plaintiff to Execute Final Transfer Documents For

1 Churchill Property and Dismiss case with Prejudice filed March 15, 2021, entered March 16,
2 2021. A copy of the said Order granting Defendant's Motion To Enforce Settlement Agreement
3 and Addendum and Require Plaintiff to Execute Final Transfer Documents For Churchill
4 Property and Dismiss case with Prejudice is attached as Exhibit 1.
5

6 Respectfully submitted this 9th day of April 2021.
7

8 The Law Office of S. Don Bennion
9

10 
11 S. Don Bennion, Esq.

12 Bar No. 4530

13 6980 O'Bannon Drive #400

14 Las Vegas, Nevada 89117

15 Telephone: 702-333-0777

16 Facsimile: 702-333-0577

17 don@bennionlaw.com

18 *Attorney for Plaintiff Cheri Wiman*
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Office of S. Don Bennion and that on the 9th day of April 2021, I caused the above and foregoing document entitled **NOTICE OF APPEAL** to be served as follows:

☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and

☐ pursuant to EDCR 7.26, to be sent via facsimile;


☐ hand delivered

☒ by using the court's CM/ECF Electronic Notification System

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

Michael S. Strange, Esq.
Nevada Bar No.: 9429
Michael S. Strange & Associates, LLC
501 S. Rancho Dr. Suite A-7
Las Vegas, Nevada 89106 Telephone: (702)456-4357
Fax: (702)464-3042
Attorney for Defendant Coty Refaely

Gary S. Fink, Esq.
Nevada State Bar No.: 8064
REZA ATHARI & ASSOCIATES, PLLC
3665 Pepper Lane, Ste. 102
Las Vegas, Nevada 89120
(702)727-7777 tele
(702)458-8508 fax
Attorney for Plaintiff Cheri Rene Wiman



An Employee of the Law Office of S. Don Bennion

EXHIBIT 1

EXHIBIT 1

MICHAEL S. STRANGE & ASSOCIATES, LLC
501 S. RANCHO DR., SUITE A-7
LAS VEGAS, NEVADA 89106
PHONE: (702) 456-4357; FAX (702) 464-3042

Electronically Filed
3/16/2021 8:43 AM
Steven D. Grierson
CLERK OF THE COURT



1 **NEOJ**
2 Michael S. Strange, Esq.
3 Nevada Bar No. 9429
4 **Michael S. Strange & Associates, LLC**
5 501 S. Rancho Dr.; Suite A-7
6 Las Vegas, NV 89106
7 Telephone: (702) 456-4357
8 Fax: (702) 464-3042
9 mstrange@mikestrangelaw.com
10 *Attorney for Defendant Coty Refaely*

11
12
13 **DISTRICT COURT**
14
15 **CLARK COUNTY, NEVADA**

16 **CHERI RENE WIMAN,**
17
18 **Plaintiff,**

19 **vs.**

20 **COTY REFAELY; DOES I through X, and**
21 **ROE CORPORATIONS I to X, inclusive,**
22
23 **Defendants.**

24
25 **COTY REFAELY, an individual,**
26
27 **Counterclaimant,**

28 **vs.**

29 **CHERI RENE WIMAN,**
30
31 **Counter-defendant.**

CASE NO.: A-19-803928-C
DEPT. NO.: XXIX

NOTICE OF ENTRY OF ORDER

32 **TO: CHERI RENE WIMAN, Plaintiff**
33 **TO: GARY S. FINK, ESQ., Attorney for Plaintiff**
34 **TO: S. DON BENNION, ESQ., Attorney for Plaintiff**

35 **///**

36 **///**

37 **///**

38 **///**

Notice of Entry of Order- 1

MICHAEL S. STRANGE & ASSOCIATES, LLC
501 S. RANCHO DR., SUITE A-7
LAS VEGAS, NEVADA 89106
PHONE: (702) 456-4357; FAX (702) 464-3042

1 PLEASE TAKE NOTICE that an ORDER from the January 20, 2021 hearing was duly
2 entered in the above-entitled matter on the 15th day of March, 2021.
3

4 Dated this 16th day of March, 2021
5

6 By: /s/ Michael S. Strange
7 MICHAEL S. STRANGE, ESQ.
8 501 S. Rancho Dr.; Suite A-7
9 Las Vegas, NV 89106
10 (702) 456-4357
11 Attorney for Defendant Coty
12 Refaely

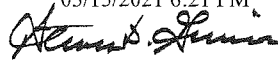
13 CERTIFICATE OF SERVICE

14 I HEREBY CERTIFY that service of the foregoing NOTICE OF ENTRY OF ORDER
15 AND ORDER, was made on this 16th day of March, 2021, pursuant to NRCP 5(b)(2)(D), and
16 EDCR 8.05, by electronic service via the Court's EFiling System to the following counsel:

17 Gary S. Fink, Esq., Attorney for Plaintiff at garyfink@atharilaw.com.

18 S. Don Bennion, Esq., Attorney for Plaintiff at don@bennionlaw.com.

19 By: /s/ Michael S. Strange
20 MICHAEL S. STRANGE, ESQ.
21 501 S. Rancho Dr.; Suite A-7
22 Las Vegas, NV 89106
23 (702) 456-4357
24 Attorney for Defendant Coty
25 Refaely
26
27
28


CLERK OF THE COURT

ORDR

Michael S. Strange, Esq.
Nevada Bar No. 9429
Michael S. Strange & Associates, LLC
501 S. Rancho Dr.; Suite A-7
Las Vegas, NV 89106
Telephone: (702) 456-4357
Fax: (702) 464-3042
mstrange@mikestrangelaw.com
Attorney for Defendant Coty Refaely

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHERI RENE WIMAN,

Plaintiff,

vs.

COTY REFAELY; DOES I through X, and
ROE CORPORATIONS I to X, inclusive,

Defendants.

CASE NO.: A-19-803928-C

DEPT. NO.: XXIX

Date of Hearing: January 20, 2021

Time of Hearing: 9:00AM

**ORDER ON DEFENDANT COTY REFAELY'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO
EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY and
COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND
DISMISS CASE WITH PREJUDICE**

This matter having come on for hearing January 20, 2021 at 9:00 a.m. on Defendant, COTY REFAELY's Motion to Enforce Settlement Agreement and Addendum and Require Plaintiff to Execute Final Transfer Documents for Churchill Property, and Plaintiff, CHERI RENE WIMAN's Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice. Defendant being represented by and through Michael S. Strange, Esq., and Plaintiff represented by and through Gary Fink, Esq., The Court hearing oral argument, and having reviewed the papers and pleading and being otherwise fully advised in the premises, and good cause appearing therefore finds;

Order- 1

1 That pursuant to the terms of the Settlement Agreement and General Release and the
2 Addendum to the Settlement Agreement and General Release, the Defendant had the right to
3 purchase two real properties from the Plaintiff; namely 5509 Oak Street, Las Vegas, Nevada
4 89120 and 5005 Churchill Ave. Las Vegas, NV 89117.

5 The Settlement Agreement and General Release contained a finalization date of July 31,
6 2020 to complete the purchase of both properties but the parties agreed to extend that deadline to
7 complete the purchase of both real properties to October 31, 2020 in the Addendum to the
8 Settlement Agreement and General Release.

9 The property at 5509 Oak Street, Las Vegas, Nevada 89120 has been successfully
10 purchased by the Defendant in accordance with the Addendum to the Settlement Agreement and
11 General Release. However, due to an unforeseeable event of a supposed "lien" still remaining on
12 the Churchill property which was mistaken and ultimately cleared up, and the fact the deadline to
13 purchase the real property fell on a holiday, there was a delay in performing the purchase of the
14 real property located at 5005 Churchill Ave, Las Vegas NV 89117 prior to October 31, 2020.

15 Even though the Addendum had a "time is of the essence clause" because of the
16 unforeseeable event and the fact the deadline to complete the transfer fell on a holiday, there was
17 no way to complete the purchase on that date and as such extended the deadline to complete the
18 transfer until the next business day which was November 5, 2020.

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24 ///

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Enforce Settlement Agreement and Addendum an Require Plaintiff to Execute Final Transfer Documents for Churchill Property is hereby GRANTED and that the Plaintiff shall execute whatever documentation is needed to finalize the purchase of the real property located at 5005 Churchill Ave, Las Vegas NV 89117 to the Defendant, Coty Refaely.

IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion to Enforce the Settlement Agreement and Addendum and Dismiss Case With Prejudice is **DENIED**.

IT IS HEREBY FURTHER ORDERED that the Plaintiff must immediately contact Sheree Edwards and give authorization to call for the payoff amount for 5005 Churchill Ave, Las Vegas NV 89117 to allow Coty to finalize the Real Estate Offer and Acceptance Contract. The Real Estate Offer and Acceptance Contract is what must be completed and signed by the parties to allow Ms. Edwards to draft the closing documents to be executed to then complete the purchase of the Churchill property.

IT IS SO ORDERED.

Dated this 15th day of March, 2021

DATED AND DONE this _____ of _____, 2021, at Las Vegas, Nevada.

DISTRICT COURT JUDGE

598 B2B 33D1 DF72

David M Jones

District Court Judge Content

Submitted By:

By: Michael S. Strange
MICHAEL S. STRANGE, ESQ.
501 S. Rancho Dr.; Suite A-7
Las Vegas, NV 89106
(702) 456-4357
Attorney for Defendant Coty
Refaely

By: _____
GARY FINK, ESQ.
3365 Pepper Lane; Suite #102
Las Vegas, Nevada 89120
(702) 727-7777
Attorney for Plaintiff

CASE SUMMARY**CASE NO. A-19-803928-C**

Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 29**
 Judicial Officer: **Jones, David M**
 Filed on: **10/18/2019**
 Cross-Reference Case Number: **A803928**

CASE INFORMATIONCase Type: **Other Civil Matters**

Case
 Status: **10/18/2019 Open**






DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-19-803928-C
 Court Department 29
 Date Assigned 10/18/2019
 Judicial Officer Jones, David M

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Wiman, Cheri Rene	Fink, Gary S. <i>Retained</i> 702-727-7777(W)
Defendant	Refaely, Coty	Strange, Michael S. <i>Retained</i> 7024564357(W)
Counter Claimant	Refaely, Coty	Strange, Michael S. <i>Retained</i> 7024564357(W)
Counter Defendant	Wiman, Cheri Rene	Fink, Gary S. <i>Retained</i> 702-727-7777(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

10/18/2019	 Complaint <i>Complaint for Declaratory Relief</i>
10/18/2019	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
10/18/2019	 Summons Electronically Issued - Service Pending <i>Summons</i>
10/21/2019	 Summons <i>Summons</i>
10/25/2019	 Acceptance of Service <i>Acceptance of Service</i>

CASE SUMMARY

CASE NO. A-19-803928-C

11/08/2019	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Refaely, Coty <i>Initial Appearance Fee Disclosure</i>
11/08/2019	 Answer and Counterclaim Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Answer and Counterclaim</i>
12/04/2019	 Answer to Counterclaim <i>Answer to Counterclaim</i>
12/16/2019	 Motion for Summary Judgment Filed By: Counter Defendant Wiman, Cheri Rene <i>Motion for Summary Judgment Pursuant to NRCP 56(c) Seeking Declaratory Relief, and Judgment as to Defendant's First, Second, Third, and Tenth Causes of Action</i>
12/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/30/2019	 Joint Case Conference Report <i>Joint Case Conference Report</i>
01/06/2020	 Opposition and Countermotion Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Opposition to Plaintiff's Motion for Summary Judgment or in the Alternative for her Countermotion for Leave of Court to Amend her Counterclaims Pursuant to NRCP 15(a)(2)</i>
01/14/2020	 Mandatory Rule 16 Conference Order <i>Mandatory Rule 16 Pre-Trial Scheduling Conference Order</i>
01/14/2020	 Reply <i>Reply to Opposition to Motion for Summary Judgment Pursuant to NRCP 56(c) Seeking Declaratory Relief, and Judgment as to Defendant's First, Second, Third, Fourth, Eighth, Ninth, and Tenth Causes of Action and Opposition to Defendant's Countermotion</i>
02/19/2020	 Stipulation and Order Filed by: Counter Claimant Refaely, Coty <i>Stipulation and Order to Vacate Hearings and to Stay the Matter for 180 Days to Complete Settlement Terms</i>
02/19/2020	 Notice of Entry of Order Filed By: Counter Claimant Refaely, Coty <i>Notice of Entry of Order</i>
08/21/2020	 Stipulation and Order Filed by: Counter Claimant Refaely, Coty <i>STIPULATION AND ORDER TO CONTINUE HEARING AND TO STAY THE MATTER FOR AN ADDITIONAL 67 DAYS FROM AUGUST 26, 2020 COMPLETE SETTLEMENT TERMS</i>
08/21/2020	 Notice of Entry of Order Filed By: Counter Claimant Refaely, Coty <i>Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. A-19-803928-C

11/30/2020	 Motion Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property</i>
12/01/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/09/2020	 Opposition Filed By: Counter Defendant Wiman, Cheri Rene <i>Opposition to Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property and Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice</i>
12/24/2020	 Reply Filed by: Counter Claimant Refaely, Coty <i>Defendant's Coty Refaely's Reply to Plaintiff's Opposition to Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property and Countermotion to Enforce Settlement Agreement and Dismiss Case With Prejudice</i>
12/29/2020	 Stipulation and Order Filed by: Counter Claimant Refaely, Coty <i>Stipulation and Order to Continue Hearing</i>
12/29/2020	 Notice of Entry of Order Filed By: Counter Claimant Refaely, Coty <i>Notice of Entry of Order</i>
01/05/2021	 Reply <i>Reply to Defendant Coty Refaely's Opposition to Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice</i>
02/16/2021	 Order <i>ORDER ON DEFENDANT COTY REFAELY'S MOTION FOR CLARIFICATION OF JANUARY 20, 2021 RULING ON AN ORDER SHORTENING TIME</i>
02/16/2021	 Motion Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Motion for Clarification of the January 20, 2021 Ruling on an Order Shortening Time</i>
02/16/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/16/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
02/18/2021	 Non Opposition Filed By: Counter Defendant Wiman, Cheri Rene <i>Plaintiff's Qualified Non-Opposition to Defendant's Motion for Clairification of the January 20, 2021 Ruling on an Order Shortening Time</i>




CASE SUMMARY

CASE NO. A-19-803928-C

02/22/2021	 Order Scheduling Status Check <i>Order Scheduling Status Check</i>
03/03/2021	 Order Shortening Time Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Motion for Clarification of the January 20, 2021 Ruling on an Order Shortening Time</i>
03/03/2021	 Order Shortening Time Filed By: Counter Claimant Refaely, Coty <i>Defendant Coty Refaely's Motion for Clarification of the January 20, 2021 Ruling on an Order Shortening Time</i>
03/11/2021	 Notice of Association of Counsel Filed By: Counter Defendant Wiman, Cheri Rene <i>Notice of Association of Counsel</i>
03/15/2021	 Order Filed By: Counter Claimant Refaely, Coty <i>Order on Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property and Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice</i>
03/16/2021	 Notice of Entry of Order Filed By: Counter Claimant Refaely, Coty <i>Notice of Entry of Order</i>
03/31/2021	 Order Scheduling Status Check <i>Order Scheduling Status Check</i>
04/06/2021	 Motion Filed By: Counter Defendant Wiman, Cheri Rene <i>Motion To Certify Order As Final</i>
04/06/2021	 Motion for Stay of Execution Filed By: Counter Defendant Wiman, Cheri Rene <i>Motion For Stay of Execution of Judgment</i>
04/07/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/07/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/09/2021	 Notice of Appeal Filed By: Counter Defendant Wiman, Cheri Rene <i>Notice of Appeal</i>
<u>HEARINGS</u>	
01/22/2020	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Motion for Summary Judgment Pursuant to NRCP 56(c) Seeking Declaratory Relief, and Judgment as to Defendant's First, Second, Third, and Tenth Causes of Action</i> Matter Continued;
01/22/2020	Opposition and Countermotion (9:00 AM) (Judicial Officer: Jones, David M)

CASE SUMMARY



CASE NO. A-19-803928-C

	<p><i>Defendant Coty Refaely's Opposition to Plaintiff's Motion for Summary Judgment or in the Alternative for her Countermotion for Leave of Court to Amend her Counterclaims Pursuant to NRCP 15(a)(2)</i></p> <p>Matter Continued; SAO to Stay</p>
01/22/2020	<p> All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)</p> <p>Matter Heard; Journal Entry Details: <i>MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRCP 56(C) SEEKING DECLARATORY RELIEF, AND JUDGMENT AS TO DEFENDANT'S FIRST, SECOND, THIRD, AND TENTH CAUSES OF ACTION... DEFENDANT COTY REFAELY'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR HER COUNTERMOTION FOR LEAVE OF COURT TO AMEND HER COUNTERCLAIMS PURSUANT TO NRCP 15(A)(2)... Mr. Fink advised they were on the cusp of settling this case, and requested a 30 day continuance. COURT SO ORDERED. CONTINUED TO: 02/19/20 9:00 AM ;</i></p>
02/07/2020	<p>CANCELED Mandatory Rule 16 Conference (9:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i></p>
11/04/2020	<p> Status Check: Settlement Documents (9:00 AM) (Judicial Officer: Jones, David M)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>Mr. Fink advised parties had entered the settlement agreement in February but an addendum was entered to keep the case open until October 31, 2020; Mr. Fink argued the settlement agreement has expired and requested the case be dismissed. Argument by Mr. Strange that the matter will be resolved on Tuesday and requested a one week continuance. COURT ORDERED, case to remain open until the end of the month; parties to notify the Court when the matter is resolved and ready to be dismissed. Argument by Mr. Fink the agreement is clear that everything needed to be done by October 31, 2020, and extending the case out is not an option as the sale of the property is not completed and the agreement is expired, therefore there is no right to purchase the property. Mr. Fink argued the issues related to this case have been resolved by the settlement agreement, and if breach of contract of agreement is argued, then that is another case. COURT ORDERED, case to remain open until it is resolved. Parties to file their motions.;</i></p>
01/20/2021	<p>Motion (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property</i> Motion Granted;</p>
01/20/2021	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Jones, David M) <i>Opposition to Defendant Coty Refaely's Motion to Enforce Settlement Agreement and Addendum and to Require Plaintiff to Execute Final Transfer Documents for Churchill Property and Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice</i> Motion Granted;</p>
01/20/2021	<p> All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)</p> <p>Matter Heard; Journal Entry Details: <i>DEFENDANT COTY REFAELY'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY ... OPPOSITION TO DEFENDANT COTY REFAELY'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF OT EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY AND COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND DISMISS CASE WITH PREJUDICE Defendant not present. Mr. Fink requested the Court enforce the contract as written and dismiss the case; COURT SO ORDERED. Mr. Fink to prepare the order.;</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-803928-C

02/23/2021	 Motion for Clarification (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Coty Refaely's Motion for Clarification of the January 20, 2021 Ruling on an Order Shortening Time</i> Matter Heard; Journal Entry Details: <i>Court noted the documents need to be executed, the transaction needs to be finalized, and the property needs to be sold. Mr. Fink advised the loan had not funded by the time of the contract. Colloquy regarding the deadline on the state holiday. Mr. Fink noted closing documents had not been done although the case was settled in October. Colloquy regarding impact of Covid-19 on the case. Mr. Strange advised the money is still there and the matter could be resolved. Mr. Strange to prepare the order.;</i>
03/04/2021	 Status Check (9:00 AM) (Judicial Officer: Jones, David M) 03/04/2021, 03/18/2021 <i>Status Check: Proposed Order</i> Matter Continued; Off Calendar; Journal Entry Details: <i>COURT ORDERED, matter OFF CALENDAR as the order was signed 3/15/21.;</i> Matter Continued; Off Calendar; Journal Entry Details: <i>Mr. Strange spoke with Mr. Fink yesterday and drafted and sent to Mr. Fink the proposed order based on the Court's ruling on 2/23/21. COURT ORDERED, matter CONTINUED. CONTINUED TO: 3/18/21 9:00 AM;</i>
03/11/2021	CANCELED Motion for Clarification (9:00 AM) (Judicial Officer: Jones, David M) <i>Vacated</i> <i>Defendant Coty Refaely's Motion for Clarification of the January 20, 2021 Ruling on an Order Shortening Time</i>
05/11/2021	Motion (9:00 AM) (Judicial Officer: Jones, David M) Events: 04/06/2021 Motion <i>Plaintiff's Motion To Certify Order As Final</i>
05/11/2021	Motion for Stay of Execution (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff's Motion For Stay of Execution of Judgment</i>
05/26/2021	Status Check (9:00 AM) (Judicial Officer: Jones, David M)

DATE

FINANCIAL INFORMATION

Counter Claimant Refaely, Coty		
Total Charges		223.00
Total Payments and Credits		223.00
Balance Due as of 4/13/2021		0.00
Counter Defendant Wiman, Cheri Rene		
Total Charges		494.00
Total Payments and Credits		494.00
Balance Due as of 4/13/2021		0.00

DISTRICT COURT CIVIL COVER SHEET

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

CASE NO: A-19-803928-C
Department 29

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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Cheri Rene Wiman 5449 Olive Brook Ct. Las Vegas, NV 89120 Tele No.: 805-368-7221</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Coty Refaely; Does I through X, and ROE Corporations I to X, inclusive,</div>
Attorney (name/address/phone): <div style="text-align: center;">Gary S. Fink, Esq. (NV Bar No.: 8064) 3365 Pepper Ln, Suite 102 Las Vegas, NV 89120 Tele No.: 702-727-7777</div>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property 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	Torts 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
Probate <i>(select case type and estate value)</i> <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 type="checkbox"/> Other Contract	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 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 checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

10-18-2019

Date

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Hume
CLERK OF THE COURT

ORDR

Michael S. Strange, Esq.
Nevada Bar No. 9429

Michael S. Strange & Associates, LLC

501 S. Rancho Dr.; Suite A-7

Las Vegas, NV 89106

Telephone: (702) 456-4357

Fax: (702) 464-3042

mstrange@mikestrangelaw.com

Attorney for Defendant Coty Refaely

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHERI RENE WIMAN,

Plaintiff,

vs.

COTY REFAELY; DOES I through X, and
ROE CORPORATIONS I to X, inclusive,

Defendants.

CASE NO.: A-19-803928-C

DEPT. NO.: XXIX

Date of Hearing: January 20, 2021

Time of Hearing: 9:00AM

**ORDER ON DEFENDANT COTY REFAELY'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO
EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY and
COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND
DISMISS CASE WITH PREJUDICE**

This matter having come on for hearing January 20, 2021 at 9:00 a.m. on Defendant, COTY REFAELY's Motion to Enforce Settlement Agreement and Addendum and Require Plaintiff to Execute Final Transfer Documents for Churchill Property, and Plaintiff, CHERI RENE WIMAN's Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice. Defendant being represented by and through Michael S. Strange, Esq., and Plaintiff represented by and through Gary Fink, Esq., The Court hearing oral argument, and having reviewed the papers and pleading and being otherwise fully advised in the premises, and good cause appearing therefore finds;

1 That pursuant to the terms of the Settlement Agreement and General Release and the
2 Addendum to the Settlement Agreement and General Release, the Defendant had the right to
3 purchase two real properties from the Plaintiff; namely 5509 Oak Street, Las Vegas, Nevada
4 89120 and 5005 Churchill Ave. Las Vegas, NV 89117.

5 The Settlement Agreement and General Release contained a finalization date of July 31,
6 2020 to complete the purchase of both properties but the parties agreed to extend that deadline to
7 complete the purchase of both real properties to October 31, 2020 in the Addendum to the
8 Settlement Agreement and General Release.

9 The property at 5509 Oak Street, Las Vegas, Nevada 89120 has been successfully
10 purchased by the Defendant in accordance with the Addendum to the Settlement Agreement and
11 General Release. However, due to an unforeseeable event of a supposed "lien" still remaining on
12 the Churchill property which was mistaken and ultimately cleared up, and the fact the deadline to
13 purchase the real property fell on a holiday, there was a delay in performing the purchase of the
14 real property located at 5005 Churchill Ave, Las Vegas NV 89117 prior to October 31, 2020.

15 Even though the Addendum had a "time is of the essence clause" because of the
16 unforeseeable event and the fact the deadline to complete the transfer fell on a holiday, there was
17 no way to complete the purchase on that date and as such extended the deadline to complete the
18 transfer until the next business day which was November 5, 2020.

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THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Enforce Settlement Agreement and Addendum an Require Plaintiff to Execute Final Transfer Documents for Churchill Property is hereby GRANTED and that the Plaintiff shall execute whatever documentation is needed to finalize the purchase of the real property located at 5005 Churchill Ave, Las Vegas NV 89117 to the Defendant, Coty Refaely.

IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion to Enforce the Settlement Agreement and Addendum and Dismiss Case With Prejudice is **DENIED**.

IT IS HEREBY FURTHER ORDERED that the Plaintiff must immediately contact Sheree Edwards and give authorization to call for the payoff amount for 5005 Churchill Ave, Las Vegas NV 89117 to allow Coty to finalize the Real Estate Offer and Acceptance Contract. The Real Estate Offer and Acceptance Contract is what must be completed and signed by the parties to allow Ms. Edwards to draft the closing documents to be executed to then complete the purchase of the Churchill property.

IT IS SO ORDERED.

Dated this 15th day of March, 2021

DATED AND DONE this _____ of _____, 2021, at Las Vegas, Nevada.

DISTRICT COURT JUDGE

598 B2B 33D1 DF72

David M Jones

District Court Judge Content

Submitted By:

By: Michael S. Strange
MICHAEL S. STRANGE, ESQ.
501 S. Rancho Dr.; Suite A-7
Las Vegas, NV 89106
(702) 456-4357
*Attorney for Defendant Coty
Refaely*

By: _____
GARY FINK, ESQ.
3365 Pepper Lane; Suite #102
Las Vegas, Nevada 89120
(702) 727-7777
Attorney for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Cheri Wiman, Plaintiff(s)

CASE NO: A-19-803928-C

7 vs.

DEPT. NO. Department 29

8 Coty Refaely, 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: 3/15/2021

15 Michael Strange

mstrange@mikestrangelaw.com

16 State Department

statedepartment@atharilaw.com

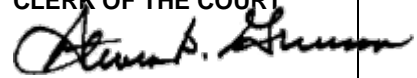
17 Gary Fink

garyfink@atharilaw.com

18 S. Don Bennion

don@bennionlaw.com

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NEOJ

Michael S. Strange, Esq.
Nevada Bar No. 9429

Michael S. Strange & Associates, LLC

501 S. Rancho Dr.; Suite A-7

Las Vegas, NV 89106

Telephone: (702) 456-4357

Fax: (702) 464-3042

mstrange@mikestrangelaw.com

Attorney for Defendant Coty Refaely

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHERI RENE WIMAN,

Plaintiff,

vs.

COTY REFAELY; DOES I through X, and
ROE CORPORATIONS I to X, inclusive,

Defendants.

CASE NO.: A-19-803928-C

DEPT. NO.: XXIX

NOTICE OF ENTRY OF ORDER

COTY REFAELY, an individual,

Counterclaimant,

vs.

CHERI RENE WIMAN,

Counter-defendant.

TO: CHERI RENE WIMAN, Plaintiff

TO: GARY S. FINK, ESQ., Attorney for Plaintiff

TO: S. DON BENNION, ESQ., Attorney for Plaintiff

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Notice of Entry of Order- 1

MICHAEL S. STRANGE & ASSOCIATES, LLC
501 S. RANCHO DR.; SUITE A-7
LAS VEGAS, NEVADA 89106
PHONE: (702) 456-4357; FAX (702) 464-3042

MICHAEL S. STRANGE & ASSOCIATES, LLC
501 S. RANCHO DR.; SUITE A-7
LAS VEGAS, NEVADA 89106
PHONE: (702) 456-4357; FAX (702) 464-3042

1 **PLEASE TAKE NOTICE** that an ORDER from the January 20, 2021 hearing was duly
2 entered in the above-entitled matter on the 15th day of March, 2021.
3

4 Dated this 16th day of March, 2021
5

6 By: /s/ Michael S. Strange
7 MICHAEL S. STRANGE, ESQ.
8 501 S. Rancho Dr.; Suite A-7
9 Las Vegas, NV 89106
10 (702) 456-4357
11 Attorney for Defendant Coty
12 Refaely

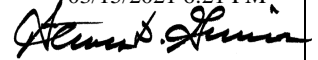
13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that service of the foregoing NOTICE OF ENTRY OF ORDER
15 AND ORDER, was made on this 16th day of March, 2021, pursuant to NRCP 5(b)(2)(D), and
16 EDCR 8.05, by electronic service via the Court's EFiled System to the following counsel:
17

18 Gary S. Fink, Esq., Attorney for Plaintiff at garyfink@atharilaw.com.

19 S. Don Bennion, Esq., Attorney for Plaintiff at don@bennionlaw.com.
20

21 By: /s/ Michael S. Strange
22 MICHAEL S. STRANGE, ESQ.
23 501 S. Rancho Dr.; Suite A-7
24 Las Vegas, NV 89106
25 (702) 456-4357
26 Attorney for Defendant Coty
27 Refaely
28


CLERK OF THE COURT

ORDR

Michael S. Strange, Esq.
Nevada Bar No. 9429

Michael S. Strange & Associates, LLC

501 S. Rancho Dr.; Suite A-7

Las Vegas, NV 89106

Telephone: (702) 456-4357

Fax: (702) 464-3042

mstrange@mikestrangelaw.com

Attorney for Defendant Coty Refaely

DISTRICT COURT

CLARK COUNTY, NEVADA

CHERI RENE WIMAN,

Plaintiff,

vs.

COTY REFAELY; DOES I through X, and
ROE CORPORATIONS I to X, inclusive,

Defendants.

CASE NO.: A-19-803928-C

DEPT. NO.: XXIX

Date of Hearing: January 20, 2021

Time of Hearing: 9:00AM

**ORDER ON DEFENDANT COTY REFAELY'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO
EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY and
COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND
DISMISS CASE WITH PREJUDICE**

This matter having come on for hearing January 20, 2021 at 9:00 a.m. on Defendant, COTY REFAELY's Motion to Enforce Settlement Agreement and Addendum and Require Plaintiff to Execute Final Transfer Documents for Churchill Property, and Plaintiff, CHERI RENE WIMAN's Countermotion to Enforce Settlement Agreement and Dismiss Case with Prejudice. Defendant being represented by and through Michael S. Strange, Esq., and Plaintiff represented by and through Gary Fink, Esq., The Court hearing oral argument, and having reviewed the papers and pleading and being otherwise fully advised in the premises, and good cause appearing therefore finds;

Order- 1

MICHAEL S. STRANGE & ASSOCIATES, LLC
501 S. RANCHO DR.; SUITE A-7
LAS VEGAS, NEVADA 89106
PHONE: (702) 456-4357; FAX (702) 464-3042

1 That pursuant to the terms of the Settlement Agreement and General Release and the
2 Addendum to the Settlement Agreement and General Release, the Defendant had the right to
3 purchase two real properties from the Plaintiff; namely 5509 Oak Street, Las Vegas, Nevada
4 89120 and 5005 Churchill Ave. Las Vegas, NV 89117.

5 The Settlement Agreement and General Release contained a finalization date of July 31,
6 2020 to complete the purchase of both properties but the parties agreed to extend that deadline to
7 complete the purchase of both real properties to October 31, 2020 in the Addendum to the
8 Settlement Agreement and General Release.

9 The property at 5509 Oak Street, Las Vegas, Nevada 89120 has been successfully
10 purchased by the Defendant in accordance with the Addendum to the Settlement Agreement and
11 General Release. However, due to an unforeseeable event of a supposed "lien" still remaining on
12 the Churchill property which was mistaken and ultimately cleared up, and the fact the deadline to
13 purchase the real property fell on a holiday, there was a delay in performing the purchase of the
14 real property located at 5005 Churchill Ave, Las Vegas NV 89117 prior to October 31, 2020.

15 Even though the Addendum had a "time is of the essence clause" because of the
16 unforeseeable event and the fact the deadline to complete the transfer fell on a holiday, there was
17 no way to complete the purchase on that date and as such extended the deadline to complete the
18 transfer until the next business day which was November 5, 2020.

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THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Enforce Settlement Agreement and Addendum an Require Plaintiff to Execute Final Transfer Documents for Churchill Property is hereby GRANTED and that the Plaintiff shall execute whatever documentation is needed to finalize the purchase of the real property located at 5005 Churchill Ave, Las Vegas NV 89117 to the Defendant, Coty Refaely.

IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion to Enforce the Settlement Agreement and Addendum and Dismiss Case With Prejudice is **DENIED**.

IT IS HEREBY FURTHER ORDERED that the Plaintiff must immediately contact Sheree Edwards and give authorization to call for the payoff amount for 5005 Churchill Ave, Las Vegas NV 89117 to allow Coty to finalize the Real Estate Offer and Acceptance Contract. The Real Estate Offer and Acceptance Contract is what must be completed and signed by the parties to allow Ms. Edwards to draft the closing documents to be executed to then complete the purchase of the Churchill property.

IT IS SO ORDERED.

Dated this 15th day of March, 2021

DATED AND DONE this _____ of _____, 2021, at Las Vegas Nevada.

DISTRICT COURT JUDGE

598 B2B 33D1 DF72

David M Jones

Appointed as District Court Judge Content

Submitted By:

By: Michael S. Strange
MICHAEL S. STRANGE, ESQ.
501 S. Rancho Dr.; Suite A-7
Las Vegas, NV 89106
(702) 456-4357
*Attorney for Defendant Coty
Refaely*

By: _____
GARY FINK, ESQ.
3365 Pepper Lane; Suite #102
Las Vegas, Nevada 89120
(702) 727-7777
Attorney for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Cheri Wiman, Plaintiff(s)

CASE NO: A-19-803928-C

7 vs.

DEPT. NO. Department 29

8 Coty Refaely, 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: 3/15/2021

15 Michael Strange

mstrange@mikestrangelaw.com

16 State Department

statedepartment@atharilaw.com

17 Gary Fink

garyfink@atharilaw.com

18 S. Don Bennion

don@bennionlaw.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 22, 2020

A-19-803928-C Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

January 22, 2020 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Fink, Gary S. Attorney
 Strange, Michael S. Attorney

JOURNAL ENTRIES

- MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRCP 56(C) SEEKING DECLARATORY RELIEF, AND JUDGMENT AS TO DEFENDANT'S FIRST, SECOND, THIRD, AND TENTH CAUSES OF ACTION... DEFENDANT COTY REFAELY'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR HER COUNTERMOTION FOR LEAVE OF COURT TO AMEND HER COUNTERCLAIMS PURSUANT TO NRCP 15(A)(2)...

Mr. Fink advised they were on the cusp of settling this case, and requested a 30 day continuance.
COURT SO ORDERED.

CONTINUED TO: 02/19/20 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 04, 2020

A-19-803928-C	Cheri Wiman, Plaintiff(s) vs. Coty Refaely, Defendant(s)
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November 04, 2020	9:00 AM	Status Check: Settlement Documents
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HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Mr. Fink advised parties had entered the settlement agreement in February but an addendum was entered to keep the case open until October 31, 2020; Mr. Fink argued the settlement agreement has expired and requested the case be dismissed. Argument by Mr. Strange that the matter will be resolved on Tuesday and requested a one week continuance. COURT ORDERED, case to remain open until the end of the month; parties to notify the Court when the matter is resolved and ready to be dismissed. Argument by Mr. Fink the agreement is clear that everything needed to be done by October 31, 2020, and extending the case out is not an option as the sale of the property is not completed and the agreement is expired, therefore there is no right to purchase the property. Mr. Fink argued the issues related to this case have been resolved by the settlement agreement, and if breach of contract of agreement is argued, then that is another case. COURT ORDERED, case to remain open until it is resolved. Parties to file their motions.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 20, 2021

A-19-803928-C Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

January 20, 2021 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Fink, Gary S. Attorney

JOURNAL ENTRIES

- DEFENDANT COTY REFAELY'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY ...
OPPOSITION TO DEFENDANT COTY REFAELY'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF OT EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY AND COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND DISMISS CASE WITH PREJUDICE

Defendant not present.

Mr. Fink requested the Court enforce the contract as written and dismiss the case; COURT SO ORDERED. Mr. Fink to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

February 23, 2021

A-19-803928-C Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

February 23, 2021 9:00 AM Motion for Clarification

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:	Fink, Gary S.	Attorney
	Refaely, Coty	Defendant
		Counter Claimant
	Strange, Michael S.	Attorney
	Wiman, Cheri Rene	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Court noted the documents need to be executed, the transaction needs to be finalized, and the property needs to be sold. Mr. Fink advised the loan had not funded by the time of the contract. Colloquy regarding the deadline on the state holiday. Mr. Fink noted closing documents had not been done although the case was settled in October. Colloquy regarding impact of Covid-19 on the case. Mr. Strange advised the money is still there and the matter could be resolved. Mr. Strange to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 04, 2021

A-19-803928-C Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

March 04, 2021 9:00 AM Status Check

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Strange, Michael S. Attorney

JOURNAL ENTRIES

- Mr. Strange spoke with Mr. Fink yesterday and drafted and sent to Mr. Fink the proposed order based on the Court's ruling on 2/23/21. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 3/18/21 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 18, 2021

A-19-803928-C Cheri Wiman, Plaintiff(s)
vs.
Coty Refaely, Defendant(s)

March 18, 2021 9:00 AM Status Check

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Fink, Gary S. Attorney
 Strange, Michael S. Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter OFF CALENDAR as the order was signed 3/15/21.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

S. DON BENNION, ESQ.
6980 O'BANNON DR., STE 400
LAS VEGAS, NV 89117

DATE: April 13, 2021
CASE: A-19-803928-C

RE CASE: CHERI RENE WIMAN vs. COTY REFAELY

NOTICE OF APPEAL FILED: April 9, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER ON DEFENDANT COTY REFAELY'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ADDENDUM AND TO REQUIRE PLAINTIFF TO EXECUTE FINAL TRANSFER DOCUMENTS FOR CHURCHILL PROPERTY AND COUNTERMOTION TO ENFORCE SETTLEMENT AGREEMENT AND DISMISS CASE WITH PREJUDICE; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CHERI RENE WIMAN,

Plaintiff(s),

vs.

COTY REFAELY,

Defendant(s),

Case No: A-19-803928-C

Dept No: XXIX

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 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk