Electronically Filed
1/17/2019 1:15 PM
Steven D. Grierson
CLERK OF THE COURT

Brent Kideckel
1333 S Belardo Road Suite 202
Palm Springs, CA 92264
(917)634-0637
brentkideckel@gmail.com
Plaintiff, in Proper Person

Electronically Filed
Jan 28 2019 03:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Brent Kideckel,	)	
Plaintiff,	)	Case No: A-17-755053-C
Parmendra Prasad, LYFT Inc,	)	Dept No.: XXX1
Steadfast Insurance,	)	
Defendants.	)	
_____	)	

NOTICE OF APPEAL

Notice is hereby given that Brent Kideckel, Plaintiff above named and in proper person, hereby appeals to the Supreme Court of Nevada from the order granting Defendants Lyft and Steadfast Insurance's Motion to Dismiss Plaintiff's amended complaint, entered in this action on the 15th day of January, 2019, with the court deciding the matter on December 18, 2018.

DATED: 17th day of January, 2019

Brent Kideckel
Plaintiff, in proper person
1333 S, Belardo Road Suite 202
Palm Springs, CA 92264
brentkideckel@gmail.com
(917)634-0637

Docket 77983 Document 2019-04302

Case Number: A-17-755053-C

Brent Kideckel
1333 S Belardo Road Suite 202
Palm Springs, CA 92264
(917)634-0637
brentkideckel@gmail.com
Plaintiff, in Proper Person

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Brent Kideckel,	)	
Plaintiff,	)	Case No: A-17-755053-C
Parmendra Prasad, LYFT Inc,	)	Dept No.: XXX1
Steadfast Insurance,	)	
Defendants.	)	
_____	)	

CASE APPEAL STATEMENT

1. Brent Kideckel, Plaintiff in proper person hereby submits the following case appeal statement.
2. Order granting Defendants Lyft and Steadfast Insurance's Motion to Dismiss was granted with prejudice in Department 31, The Honorable Joanna Kishner.
3. Brent Kideckel, Plaintiff appearing in proper person;

   1333 S Belardo Road Suite 202

   Palm Springs, CA 92264

   Brentkideckel@gmail.com

4. Defendants Lyft and Steadfast Insurance, represented by;

   Lewis Brisbois LP, Darrell Dennis

   6385 S. Rainbow Boulevard

   Las Vegas, NV 89119

   Darrell.dennis@lewisbrisbois.com

5. Defendant Parmendra Prasad, not party to this appeal is represented by;

   Farmers Insurance In-house counsel

   7455 Arroyo Crossing Parkway Suite 200

   Las Vegas, NV 89113

   Michael.rowe@farmersinsurance.com

6. Plaintiff was granted with an Order to Proceed in Forma Pauperis, signed by the Eighth District Court on 2nd of May, 2017.
7. Plaintiff filed initial complaint on the 5th of May, 2017. An amended complaint with leave naming Defendants Lyft and Steadfast was filed and served on Defendants on the 5th of November, 2018.
8. Brief Description:

   On February 19th, Plaintiff was working for Lyft Inc, transporting a passenger from Cashman Center to Treasure Island Resort & Casino, and was rear-ended by a pick-up truck, operated by a distracted driver, travelling at high speed causing sever damage and pain to multiple vehicles and individuals. Defendant Prasad has accepted liability and admitted to willful negligence in the operation of his truck. Plaintiff was operating a vehicle that was acquired directly from Lyft, with insurance underwritten by Steadfast Insurance, with an illegal clause of forced

arbitration (recently decided by the Supreme Court of the United States, ***"New Prime Inc. v. Oliviera",*** regarding forced arbitration that hurt individuals including transportation companies.) Plaintiff made wrongful attempts at filing a secondary lawsuit against Lyft and Steadfast for bad faith insurance claim management, however dismissed. Plaintiff the made unsuccessful attempts to leave the court to amend complaint to add Lyft and Steadfast as named Defendants. Defendants Lyft And Steadfast's attorney has made numerous baseless and confusing statements, ultimately convincing the court to wrongfully dismiss Lyft and Steadfast as liable in this action. Double Jeopardy would not allow for an addition lawsuit for relief, and with Defendant Prasad's insurance coverage capped at $15,000, Steadfast and Lyft must absolutely be party to this action. Additionally, while Lyft has much to lose, employing over 100,000 Nevadans who rely on Lyft as their primary source of income providing no un/employment security, or an actual above the minimum, recently decided in the State of California, ***"Dynamex Operations West, Inc. v. Superior Court"***. Plaintiff is unable to claim unemployment benefit for this loss of work, and ultimately paid Lyft hundreds of dollars to operate a vehicle for them, and now two years after the collision, still engaged in litigation in proper person.

9. This case has not been the subject of appeal to or original writ proceeding in the Supreme Court.
10. This case does NOT involve child custody or visitation.
11. The possibility of settlement remains dim. Plaintiff has made over a dozen offers of judgement, as well opportunities for Defendant to act in good faith and make Plaintiff whole. Defendants Lyft and Steadfast have used aggressive, bullying, and suppression

tactics towards Plaintiff in proper person. Defendants' attorneys have made numerous threats, attempted to confuse the court (ultimately succeeding), and have made no attempt to resolve or settle this matter, now days away from the two-year anniversary of Plaintiff's loss for which claims for relief are based. In mandatory Arbitration, Plaintiff was awarded relief, however Defendant refused to settle for that amount, resulting in upcoming trial.

DATED: This 17th day of January, 2019



Brent Kideckel

Plaintiff, in proper person

1333 S. Belardo Road #202

Palm Springs, CA 92264

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, I certify that on the 17h day of January, 2019, I served the foregoing document entitled PLAINTIFF's NOTICE OF APPEAL AND CASE APPEAL STATEMENT, upon all parties identified herein below by:

Via US Mail by placing said document in sealed envelope with postage prepaid

Via Electron Filing

Addressed as follows:

Farmers Insurance in-house counsel

Michael Rowe, attorney

7455 Arroyo Crossing Parkway

Las Vegas, NV 89113

Michael.rowe@farmersinsurance.com

Lewis Brisbois LP

Darrell Dennis, attorney

6385 S Rainbow Blvd

Las Vegas, NV 89119

Darrell.dennis@lewisbrisbois.com



Brent Kideckel

Plaintiff, in proper person

1333 S Belardo Road Suite 202

Palm Springs, CA 92264

brentkideckel@gmail.com

Electronically Filed
1/22/2019 1:29 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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

BRENT KIDECKEL,

Plaintiff(s),

vs.

PARMENDRA PRASAD; LYFT, INC.; STEADFAST INSURANCE,

Defendant(s),

Case No: A-17-755053-C

Dept No: XXXI

CASE APPEAL STATEMENT

1. Appellant(s): Brent Kideckel

2. Judge: Joanna S. Kishner

3. Appellant(s): Brent Kideckel

Counsel:

Brent Kideckel
1333 S. Belardo Rd., Ste 202
Palm Springs, NV 92264

4. Respondent (s): Parmendra Prasad

Counsel:

Michael E. Rowe, Esq.
7455 Arroyo Crossing Pkwy., Ste 200
Las Vegas, NV 89113

Case Number: A-17-755053-C

Respondent (s): Lyft, Inc.; Steadfast Insurance

Counsel:

Darrell D. Dennis, Esq.
6385 S. Rainbow Blvd., Ste 600
Las Vegas, NV 89118

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, May 5, 2017
***Expires 1 year from date filed* Expired
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: May 5, 2017

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: Yes

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 22 day of January 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Brent Kideckel

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-755053-C

Brent Kideckel, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Parmendra Prasad, Defendant(s)	§	Filed on:	**05/05/2017**
	§	Cross-Reference Case Number:	**A755053**

CASE INFORMATION

Case Type: **Other Civil Matters**

Case Status: **05/05/2017 Open**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-755053-C
Court	Department 31
Date Assigned	05/05/2017
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Kideckel, Brent**	**Pro Se** 917-634-0637(H)
Defendant	**Lyft** Removed: 06/14/2018 Change of Status	**Dennis, Darrell D.** *Retained* 7028933383(W)
	Lyft Inc Removed: 08/09/2018 Dismissed	**Dennis, Darrell D.** *Retained* 7028933383(W)
	Lyft, Inc Removed: 01/15/2019 Data Entry Error	
	Lyft, Inc. Removed: 01/14/2019 Dismissed	**Miller, Danielle C.** *Retained* 702-952-5200(W)
	Mid-Century Insurance Removed: 08/09/2018 Dismissed	**Rowe, Michael E.** *Retained* 702-408-3800(W)
	Mid-Century Insurance Removed: 12/27/2018 Dismissed	**Rowe, Michael E.** *Retained* 702-408-3800(W)
	Mid-Century Insurance dba Farmers Insurance Removed: 04/09/2018 Dismissed	**Rowe, Michael E.** *Retained* 702-408-3800(W)
	Prasad, Nikheel Removed: 04/27/2018 Inactive	**Rowe, Michael E.** *Retained* 702-408-3800(W)
	Prasad, Parmendra	**Rowe, Michael E.** *Retained* 702-408-3800(W)

	Steadfast Insurance Removed: 07/10/2018 Data Entry Error	**Dennis, Darrell D.** *Retained* 7028933383(W)
	Steadfast Insurance Removed: 01/14/2019 Dismissed	**Dennis, Darrell D.** *Retained* 7028933383(W)
	Steadfast Insurance Inc Removed: 08/09/2018 Dismissed	**Dennis, Darrell D.** *Retained* 7028933383(W)
Subpoena'd (Non) Party	**Steadfast Insurance** Removed: 07/10/2018 Data Entry Error	**Dennis, Darrell D.** *Retained* 7028933383(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX

EVENTS

04/28/2017 Application to Proceed in Forma Pauperis
Filed By: Plaintiff Kideckel, Brent

05/05/2017 Order to Proceed In Forma Pauperis
Granted for: Plaintiff Kideckel, Brent

05/05/2017 Complaint
Filed By: Plaintiff Kideckel, Brent

06/01/2017 Answer
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Defendants Parmendra "Patrick" Prasad and Nikheel Prasad Answer to Plaintiff's Complaint

06/01/2017 Initial Appearance Fee Disclosure
Filed By: Defendant Prasad, Nikheel
Initial Appearance Fee Disclosure (NRS Chapter 19)

06/01/2017 Demand for Jury Trial
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Demand for Jury Trial

06/12/2017 Affidavit of Service
Filed By: Plaintiff Kideckel, Brent; Defendant Prasad, Parmendra
Affidavit of Service

06/13/2017 Motion for Summary Judgment
Filed By: Plaintiff Kideckel, Brent
Motion for Summary Judgment

06/16/2017 Motion
Filed By: Plaintiff Kideckel, Brent
Motion for Request to Place on Cour Calendar for Pre-Trial Conference

06/19/2017 Motion to Strike
Motion for Strike Defendant's Answer for Untimely Response

06/19/2017 Opposition to Motion For Summary Judgment

Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Opposition to Plaintiff's Motion for Summary Judgment

06/19/2017 Motion to Vacate
Filed By: Plaintiff Kideckel, Brent
Notice to Vacate Motion for Summary Judgement

06/20/2017 Motion to Disqualify Attorney
Filed By: Plaintiff Kideckel, Brent
Motion to Disqualify Opposing Counsel

06/26/2017 Opposition to Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Opposition to Motion to Strike Answer

06/26/2017 Opposition to Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Opposition to Plaintiff's Motion to Disqualify Defense Counsel

07/12/2017 Notice of Deposition
Filed By: Plaintiff Kideckel, Brent
Notice of Deposition

07/17/2017 Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Motion to Quash Plaintiff's Subpoena Duces Tecum

07/23/2017 Affidavit of Service
Filed By: Plaintiff Kideckel, Brent
Affidavit of Service

07/25/2017 Summons
Filed by: Plaintiff Kideckel, Brent
SUMM

07/25/2017 Motion to Rehear
Filed By: Plaintiff Kideckel, Brent
Motion to Rehear/Reopen Motion to Strike Defendant's Answer

07/25/2017 Motion
Filed By: Plaintiff Kideckel, Brent
Motion to Remove Second Defendant, Nikheel Prasad.

07/26/2017 Motion for Summary Judgment
Filed By: Plaintiff Kideckel, Brent
MSJ

07/26/2017 Motion
Filed By: Plaintiff Kideckel, Brent
Motion to compel

08/07/2017 Non Opposition
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Non-Opposition to Remove Defendant Nikheel Prasad from the Action

08/07/2017 Opposition to Motion to Compel
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Defendant's Opposition to Plaintiff's Motion to Compel Discovery

08/07/2017 Opposition to Motion For Summary Judgment
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Defendant's Opposition to Plaintiff's Motion for Summary Judgment

08/07/2017 Opposition to Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Defendant's Opposition to Plaintiff's Motion to reopen Motion to Strike Defendant's Answer

08/10/2017 Affidavit of Service
Filed By: Plaintiff Kideckel, Brent
Affidavit of Service

08/14/2017 Order Denying Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Order Denying Motion to Strike Answer without Prejudice

08/14/2017 Order Denying
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Order Denying Motion for Disqualification of Counsel

08/14/2017 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

08/14/2017 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

08/14/2017 Objection
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Objection and Motion to Quash Subpoena Duces Tecum Ordering Defendant Pamrenda Prasad to Appear at Plaintiff's Motion Hearing

09/20/2017 Motion
Filed By: Plaintiff Kideckel, Brent
Motion for an Order of Shortening Time on Motion of Joinder of Claims and Reliefs

09/20/2017 Motion
Filed By: Plaintiff Kideckel, Brent
Moition for Joinder of Claims and Reliefs w/ A-17-757213-C

09/20/2017 Motion to Disqualify Attorney
Filed By: Plaintiff Kideckel, Brent
Motion to Disqualify Opposing Counsel, Michael Rowe

11/01/2017 Commissioners Decision on Request for Exemption - Denied
Commissioner's Decision on Request for Exemption - Denied

11/08/2017

	Change of Address Filed By: Plaintiff Kideckel, Brent *Notice of Change of Address*
11/08/2017	Joinder Filed By: Plaintiff Kideckel, Brent *Notice: Permissive Jinder of Defendants*
11/08/2017	Demand for Removal from the Short Trial Program Filed By: Plaintiff Kideckel, Brent *STP removal*
11/08/2017	Request for Trial De Novo Filed by: Plaintiff Kideckel, Brent *Request for TDN*
11/17/2017	Order Denying Motion Filed By: Defendant Prasad, Parmendra *Order Denying Motion for Disqualification of Counsel*
11/17/2017	Notice of Entry of Order Filed By: Defendant Prasad, Parmendra *Notice of Entry of Order*
12/13/2017	Individual Case Conference Report Filed By: Defendant Prasad, Parmendra *Defendants' Individual Case Conference Report*
01/10/2018	Affidavit of Service Filed By: Plaintiff Kideckel, Brent *Affidavit/ Declaration of Service*
01/10/2018	Affidavit of Service Filed By: Plaintiff Kideckel, Brent *Affidavit/ Declaration of Service*
01/10/2018	Affidavit of Service Filed By: Plaintiff Kideckel, Brent *Affidavit/ Declaration of Service*
01/16/2018	Motion to Dismiss Filed By: Defendant Lyft Inc; Defendant Steadfast Insurance Inc *Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint*
01/17/2018	Initial Appearance Fee Disclosure Filed By: Defendant Steadfast Insurance Inc *Defendants Lyft, Inc. and Steadfast Insurance Company s Initial Appearance Fee Disclosure*
01/24/2018	Motion to Dismiss Filed By: Defendant Prasad, Parmendra; Defendant Mid-Century Insurance dba Farmers Insurance *Motion to Dismiss Plaintiff's Complaint*

01/25/2018 Initial Appearance Fee Disclosure
Filed By: Defendant Prasad, Parmendra; Defendant Mid-Century Insurance dba Farmers Insurance
Initial Appearance Fee Disclosure

02/07/2018 Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference

02/15/2018 Answer
Filed By: Plaintiff Kideckel, Brent
Plaintiff's Answer to Defendants' Motion to Dismiss; Plaintiff's Request for Section 11 Sanctions Against Michael Rowe, Attorney for Defendant Parmendra Prasad, and Lewis Brisbois, Attorneys for Defendants Lyft and Steadfast Insurance Co.

02/22/2018 Motion for Summary Judgment
Filed By: Plaintiff Kideckel, Brent
Motion for SJ, or disqualification of Attorney Michael Rowe

03/01/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Opposition to Plaintiff's Motion to Disqualify Michael Rowe, Esq., and Opposition to Plaintiff's Motion for Summary Judgment

03/15/2018 Order
Filed By: Defendant Lyft Inc; Defendant Steadfast Insurance Inc
Order Regarding Defendants lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint

04/05/2018 Scheduling Order
Scheduling Order

04/09/2018 Order Denying Motion
Filed By: Defendant Prasad, Parmendra
Order Denying Plaintiff's Motion to Disqualify Defense Counsel and Plaintiff's Motion for Summary Judgment

04/09/2018 Order Granting Motion
Filed By: Defendant Prasad, Parmendra
Order Regarding Defendant Mid-Century Insurance Company's Motion to Dismiss Plaintiff's Complaint

04/10/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Notice of Entry of Order

04/10/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra; Defendant Prasad, Nikheel
Notice of Entry of Order

04/13/2018 Summons Electronically Issued - Service Pending
Party: Plaintiff Kideckel, Brent
Summons; additional defendants

04/16/2018 Notice of Entry of Order
Filed By: Defendant Lyft; Subpoena'd (Non) Party Steadfast Insurance

Notice of Entry of Order Regarding Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint

04/27/2018 Motion for Summary Judgment
Filed By: Plaintiff Kideckel, Brent
Motion for Summary Judgment

04/27/2018 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Order Setting Civil Jury Trial, Pre Trial Confernece, Calendar Call and Status Check

05/09/2018 Motion to Dismiss
Filed By: Defendant Prasad, Parmendra
Motion to Dismiss Amended Complaint

05/10/2018 Joinder To Motion
Filed By: Defendant Lyft; Subpoena'd (Non) Party Steadfast Insurance
Defendants Steadfast Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint

05/11/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Opposition to Plaintiff's Motion for Summary Judgment

05/15/2018 Affidavit of Service
Filed By: Plaintiff Kideckel, Brent
Affidavit of Service to Mid Century

05/15/2018 Affidavit of Non-Service
Filed By: Plaintiff Kideckel, Brent
Not Found Affidavit

05/15/2018 Affidavit of Non-Service
Filed By: Plaintiff Kideckel, Brent
Not Found Affidavit

05/18/2018 Motion
Filed By: Plaintiff Kideckel, Brent
Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad

05/18/2018 Notice of Withdrawal
Notice of Withdrawal without Prejudice, of Motion for Summary Judgment

05/29/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Opposition to Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad

06/11/2018 Case Conference Report
Filed By: Plaintiff Kideckel, Brent
Plaintiff's Individual Case Conference Report

06/21/2018 Opposition to Motion to Dismiss
Filed By: Plaintiff Kideckel, Brent

Plaintiff's Opposition to Defendants Motion

06/21/2018 Motion to Compel
Filed By: Plaintiff Kideckel, Brent
Motion to compel Lyft to Produce and Comply with Discovery Demands and Request for Sanctions

06/25/2018 Reply to Opposition
Filed by: Defendant Prasad, Parmendra
Defendant Prasad's Reply to Plaintiff's Opposition to Dismiss Amended Complaint

06/25/2018 Objection
Filed By: Defendant Lyft
Non-Party Lyft, Inc's Objection to Subpoena Duces Tecum to the Custodian of Records of Lyft, Inc.

06/27/2018 Motion to Compel
Filed By: Plaintiff Kideckel, Brent
(7/31/18 Withdrawn) Motion to Compel Parmendra Prasad

06/27/2018 Motion to Extend Discovery
Filed By: Plaintiff Kideckel, Brent
Motion to Extend Discovery

06/27/2018 Motion for Leave to File
Party: Plaintiff Kideckel, Brent
Leave to amend

06/27/2018 Motion
Filed By: Plaintiff Kideckel, Brent
(7/31/18 Withdrawn) Motion to Disqualify Danielle Miller

06/28/2018 Joinder to Opposition to Motion
Filed by: Subpoena'd (Non) Party Steadfast Insurance
Non-Parties Steadfast Insurance Company and Lyft, Inc.'s Joinder to Defendant Prasad's Reply to Plaintiff's Opposition to Motion to Dismiss Amended Complaint

06/28/2018 Reply in Support
Filed By: Subpoena'd (Non) Party Steadfast Insurance
Non-Parties Steadfast Insurance Company and Lyft, Inc.'s Reply in Support of Its Joinder to Defendants Parmendra Praasad and Mid-Century Insurance's Motion to Dismiss Plaintiff's Amended Complaint

07/09/2018 Opposition to Motion
Filed By: Defendant Lyft; Subpoena'd (Non) Party Steadfast Insurance
Non-Parties Steadfast Insurance Company and Lyft, Inc's Opposition to Plaintiff's Motion for Leave to Amend Complaint

07/09/2018 Opposition to Motion
Filed By: Defendant Lyft; Subpoena'd (Non) Party Steadfast Insurance
Non-Parties Steadfast Insurance Company and Lyft, Inc's Opposition to Plaintiff's Motion to Disqualify

07/13/2018 Discovery Commissioners Report and Recommendations
Discovery Commissioner's Report and Recommendations

07/23/2018	Opposition to Motion Filed By: Defendant Prasad, Parmendra *Defendant Prasad's Opposition to Motion to Compel Lyft to Comply with Discovery Demands and Request for Sanctions*
07/23/2018	Opposition to Motion *Opposition to Plaintiff's Motion for Leave to amend Complaint*
07/30/2018	Response Filed by: Plaintiff Kideckel, Brent *Plaintiff s Response to Defendant s Opposition*
07/31/2018	Notice of Deposition Filed By: Plaintiff Kideckel, Brent *Notice of Deposition of Parmendra Prasad*
07/31/2018	Notice of Withdrawal of Motion Filed By: Plaintiff Kideckel, Brent *Notice of Plaintiff's Withdrawal of Motions to Disqualify Danielle Miller and Compel Defendant Parmendra Prasad*
07/31/2018	Document Filed Filed by: Plaintiff Kideckel, Brent *Letter to the Court Re: Timeframe to Sign Order as Instructed by Danielle Miller, Attorney for Lyft*
08/09/2018	Motion Filed By: Plaintiff Kideckel, Brent *Motion to Compel Parmendra Prasad and Lyft Inc.*
08/09/2018	Order Granting Motion Filed By: Defendant Prasad, Parmendra *Order Granting Defendants' Motion to Dismiss Plaintiff's Amended Complaint Pursuant to NRCP 15(a) only*
08/09/2018	Notice of Entry of Order Filed By: Defendant Prasad, Parmendra *Notice of Entry of Order*
08/13/2018	Opposition to Motion Filed By: Defendant Prasad, Parmendra *Opposition to Plaintiff's Motion to Compel Discovery*
08/14/2018	Motion for Settlement Conference Filed By: Defendant Prasad, Parmendra *Defendant's Motion for Settlement Conference*
08/15/2018	Motion *Motion for Leave to Amend Complaint*
08/15/2018	Order Denying Motion Filed By: Defendant Lyft, Inc. *Order Denying Plaintiff's Motion to Compel Lyft to Produce and Comply with Discovery*

Demands and Request for Sanctions

08/16/2018 Notice of Entry of Order
Filed By: Defendant Lyft, Inc.
Notice of Entry of Order Denying Plaintiff's Motion to Compel Lyft to Produce and Comply with Discovery Demands and Request for Sanctions

08/17/2018 Motion to Amend Complaint
Motion for Leave to Amend Complaint

08/17/2018 Notice of Motion
Notice of Motion; Order Shortening Time

08/20/2018 Order
Filed By: Plaintiff Kideckel, Brent
Notice of Entry of Order

08/20/2018 Receipt of Copy
Filed by: Plaintiff Kideckel, Brent

08/20/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Defendant Prasad's Opposition to Plaintiff's Motion for Leave to Amend Complaint

08/24/2018 Motion for Protective Order
Filed By: Defendant Lyft, Inc.
Non-Party Lyft, Inc.'s Motion for Protective Order on Order Shortening Time

08/27/2018 Order
Filed By: Defendant Prasad, Parmendra
Order Dismissing Plaintiff's Leave to Amend Complaint without Prejudice

08/27/2018 Motion for Settlement Conference
Filed By: Defendant Prasad, Parmendra
Defendant's Motion for Settlement Conference on an Order Shortening Time

08/28/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

08/28/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

08/28/2018 Notice
Filed By: Plaintiff Kideckel, Brent
Notice to vacate subpoenas on Lyft, Inc,

09/03/2018 Opposition to Motion
Plaintiff's Opposition to Defendant's Motion for Settlement Conference

09/04/2018 Affidavit of Service
Filed By: Defendant Lyft, Inc.

Affidavit of Service

09/06/2018 Affidavit of Service
Filed By: Defendant Lyft, Inc.
Affidavit of Service

09/09/2018 Motion
Filed By: Plaintiff Kideckel, Brent
Plaintiff's motion for leave to amend

09/18/2018 Motion for Sanctions
Plaintiff's Motion for Sanctions- Discovery Commissioner

09/20/2018 Motion to Continue Trial
Filed By: Defendant Prasad, Parmendra
Defendant's Motion to Continue Trial

09/20/2018 Notice of Entry
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

09/20/2018 Order Granting Motion
Filed By: Defendant Prasad, Parmendra
Order Granting Defendant's Motion for Settlement Conference

09/21/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

09/23/2018 Order Shortening Time
Filed By: Plaintiff Kideckel, Brent
Plaintiff s Motion for Sanctions Against Defendant Parmendra Prasad and Attorneys Michael Rowe and Karl Smith

09/24/2018 Motion to Continue Trial
Filed By: Defendant Prasad, Parmendra
Defendant's Motion to Continue Trial on an Order Shortening Time

09/25/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Opposition to Motion for Sanctions Against Defendant and his Attorneys

10/01/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Opposition to Motion for Leave to Amend Complaint

10/02/2018 Opposition to Motion
Filed By: Defendant Prasad, Parmendra
Opposition to Motion for Leave to Amend Complaint

10/05/2018 Motion
Filed By: Plaintiff Kideckel, Brent
Motion for Leave to Amend Complaint

10/05/2018 Order Shortening Time
Filed By: Plaintiff Kideckel, Brent
Notice of Motion; Order Shortening Time

10/12/2018 Amended Complaint
Filed By: Plaintiff Kideckel, Brent
Plaintiff's Amended Complaint- post Leave order

10/26/2018 Discovery Commissioners Report and Recommendations
Filed By: Defendant Lyft, Inc.
Discovery Commissioners Report and Recommendations

10/31/2018 Arbitration File
Arbitration File

10/31/2018 Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial, Pre-Trial Conference, and Calendar Call

11/01/2018 Order Granting Motion
Filed By: Defendant Prasad, Parmendra
Order Granting Motion to Continue Trial Date and Motion for Leave to File Amended Complaint

11/02/2018 Notice of Entry of Order
Filed By: Defendant Prasad, Parmendra
Notice of Entry of Order

11/09/2018 Motion to Dismiss
Filed By: Defendant Mid-Century Insurance
Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint

11/15/2018 Motion to Dismiss
Filed By: Defendant Lyft, Inc.
Defendants Lyft, Inc. And Steadfast Insurance Company s Motion To Dismiss Plaintiff s Amended Complaint

12/04/2018 Notice of Change of Firm Name
Notice of Change of Firm Name

12/27/2018 Order Granting Motion
Filed By: Defendant Prasad, Parmendra
Order Granting Defendant Mid-Century Insurance Co.'s Motion to Dismiss Plaintiff's Amended Complaint

01/11/2019 Notice of Entry of Order
Notice of Entry of Order

01/14/2019 Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference

01/14/2019 Findings of Fact, Conclusions of Law and Judgment
Filed by: Defendant Lyft, Inc.; Defendant Steadfast Insurance
Findings of Fact and Conclusions of Law Regarding Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint

01/15/2019 Notice of Entry
Filed By: Defendant Lyft, Inc
Notice of Entry of Findings of Fact and Conclusions of Law Regarding Defendant Lyft, Inc., and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint

01/17/2019 Notice of Appeal
Filed By: Plaintiff Kideckel, Brent
Plaintiff s Notice of Appeal to Supreme Court of Nevada of Order granting Defendants Lyft and Steadfast s Motion to Dismiss

01/22/2019 Case Appeal Statement
Filed By: Plaintiff Kideckel, Brent
Case Appeal Statement

DISPOSITIONS

03/15/2018 **Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)
Debtors: Brent Kideckel (Plaintiff)
Creditors: Lyft Inc (Defendant), Steadfast Insurance Inc (Defendant)
Judgment: 03/15/2018, Docketed: 03/16/2018

04/09/2018 **Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)
Debtors: Brent Kideckel (Plaintiff)
Creditors: Mid-Century Insurance dba Farmers Insurance (Defendant)
Judgment: 04/09/2018, Docketed: 04/09/2018

08/09/2018 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Parmendra Prasad (Defendant), Lyft Inc (Defendant), Steadfast Insurance Inc (Defendant), Mid-Century Insurance (Defendant)
Creditors: Brent Kideckel (Plaintiff)
Judgment: 08/09/2018, Docketed: 08/09/2018

12/27/2018 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Mid-Century Insurance (Defendant)
Creditors: Brent Kideckel (Plaintiff)
Judgment: 12/27/2018, Docketed: 12/27/2018

01/14/2019 **Order of Dismissal With Prejudice** (Judicial Officer: Kishner, Joanna S.)
Debtors: Brent Kideckel (Plaintiff)
Creditors: Lyft, Inc. (Defendant), Steadfast Insurance (Defendant)
Judgment: 01/14/2019, Docketed: 01/14/2019

HEARINGS

07/25/2017 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 06/16/2017 Motion
Motion for Request to Place on Court Calendar for Pre-Trial Conference

MINUTES

Motion
Filed By: Plaintiff Kideckel, Brent
Motion for Request to Place on Cour Calendar for Pre-Trial Conference
Off Calendar; Motion for Request to Place on Court Calendar for Pre-Trial Conference

07/25/2017 **Motion to Strike** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 06/19/2017 Motion to Strike
Motion for Strike Defendant's Answer to Untimely Response
Denied Without Prejudice; Motion for Strike Defendant's Answer to Untimely Response

07/25/2017 **Motion to Disqualify Attorney** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Motion to Disqualify Opposing Counsel
Denied Without Prejudice; Motion to Disqualify Opposing Counsel

07/25/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
MOTION FOR REQUEST TO PLACE ON COURT CALENDAR FOR PRE-TRIAL CONFERENCE Court NOTED this is not an appropriate motion and the case will proceed in the ordinary course. MOTION TO DISQUALIFY OPPOSING COUNSEL Following arguments by Pro Se Plaintiff, Brent Kideckel and Mr. Rowe on behalf of Defendants, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as it does not meet the qualifications under the applicable statute. Mr. Rowe to prepare the Order. MOTION TO STRIKE DEFENDANT'S ANSWER TO UNTIMELY RESPONSE After reviewing the Motion and the Opposition, and having heard the oral arguments by Mr. Kideckel and Mr. Rowe, Court NOTED Plaintiff had not procedurally complied as there was not a properly filed summons and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Rowe to prepare the Order. ;

07/25/2017 *CANCELED* **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated
Motion for Summary Judgment

08/29/2017 **Motion to Rehear** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Rehear/Reopen Motion to Strike Defendant's Answer
Motion Denied; Plaintiff's Motion to Rehear/Reopen Motion to Strike Defendant's Answer

08/29/2017 **Motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Remove Second Defendant, Nikheel Prasad
Motion Granted; Plaintiff's Motion to Remove Second Defendant, Nikheel Prasad

08/29/2017 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Summary Judgment
Denied Without Prejudice; Plaintiff's Motion for Summary Judgment

08/29/2017 **Motion to Compel** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Compel Defense to Produce Documents and Answer Interrogatories
Off Calendar; Plaintiff's Motion for Compel Defense to Produce Documents and Answer Interrogatories

08/29/2017 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:

PLAINTIFF'S MOTION TO COMPEL DEFENSE TO PRODUCE DOCUMENTS AND ANSWER INTERROGATORIES Court stated this case is in Arbitration so this Motion to Compel needs to go before the Arbitrator under Nevada Arbitration Rules, and this Court does not have jurisdiction and it would need to be filed appropriately with the Arbitrator. Accordingly, matter OFF CALENDAR. MOTION TO REMOVE SECOND DEFENDANT, NIKHEEL PRASAD There being no opposition and no objection for this Court to hear this matter, COURT ORDERED, Motion to Remove Second Defenant, Nikheel Prasad, is GRANTED as unopposed and since that is dispositive as to that defendant the Court would have jurisdiction to hear that. MOTION TO REHEAR/REOPEN MOTION TO STRIKE DEFENDANT'S ANSWER...MOTION FOR SUMMARY JUDGMENT Court noted it could not hear the Motion to Rehear/Reopen Motion to Strike Defendant's Answer or the Motion for Summary Judgment procedurally because there has not been a notice of entry of judgment. Court stated the matter could be moved to a later date unless defendant waives the procedural defect. Mr. Rowe waived and Mr. Kideckel stated he was ready to proceed. Additionally Court also noted there was a Motion to Quash Subpoena Duces Tecum Ordering Defendant Prasad to Appear at Plaintiff's Motion Hearings that was not put on Calendar because there was no Notice of Hearing filed and advised Mr. Kideckel that it is a discovery issue that would need to be brought before the Arbitrator. Addressing the Motion to Rehear/Reopen Motion to Strike Defendant's Answer, the Court heard oral argument by Mr. Kideckel and Mr. Rowe, COURT ORDERED, Motion to Rehear/Reopen Motion to Strike Defendant's Answer DENIED, stating

it does not meet the requirements on a motion for reconsideration and Nevada Supreme Court precedent to hear matters on the merits and weighs in favor of defendant. Addressing the Motion for Summary Judgment, the Court noted there were no points and authorities and defendant requested Rule 56(f) relief and the Court is inclined to grant such relief. Following arguments by Mr. Kideckel and Mr. Rowe, COURT ORDERED, Defendant's Countermotion for NRCP Rule 56(f) Relief is GRANTED and the Motion for Summary Judgment is DENIED WITHOUT PREJUDICE and did not address the merits thereof. Mr. Rowe to prepare the Order pursuant to EDCR 7.21 within ten (10) days. ;

10/24/2017 **All Pending Motions** (8:45 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Motion for Disqualification of Opposing Counsel Michael Rowe...Motion for Order Shortening Time on Motion for Joinder of Claims and Relief with A-17-757213-C....Motion for Joinder of Claims and Relief with A-17-757213-C Plaintiff, Brent Kideckel not present. COURT ORDERED, the Motion for Order Shortening Time on Motion for Joinder of Claims and Relief with A-17-757213-C and the Motion for Joinder of Claims and Relief with A-17-757213-C were MOOT in light of Judge Leavitt's order; therefore, the Court would not hear the matter. Mr. Rowe noted Mr. Kideckel requested seven hours to depose his client. Further, the rules do not allow seven hours. COURT NOTED, with regards to the deposition discovery matter that was in arbitration, and not before this Court, the Court could not address it, and it must be left with the Arbitration Commissioner. Further, with cases in arbitration, the Court had limited jurisdiction with what it could rule on, and it would not be appropriate for this Court to rule regarding that matter. As to the Motion for Disqualification of Opposing Counsel Michael Rowe: Court reviewed the pleadings and noted the absence of Mr. Kideckel. Further, Mr. Kideckel did not make a request to appear telephonically. Additionally, the time was 9:39 a.m., and this was set for 9:00 a.m. hearing, the Court would rule on the pleadings. Court noted it was inclined to deny the motion. Furthermore, the Court reviewed the motion, and the Court took all deference being Mr. Kideckel was Pro Se. Additionally, COURT FINDS, based on the pleadings and the papers presented, the standards for a Motion to Disqualify had not been met. FURTHER, the Court incorporated the opposition as well as the fact that while reviewing the motion, it did not meet the initial standard that the burden would shift to the opposing party. COURT ORDERED, motion DENIED; Defendant to prepare and submit the order; opposing party to review as to form and content. Counsel directed to submit the order to chambers within 10 days from today, pursuant to EDCR 7.21. CLERK S NOTE: A copy of this Minute Order was mailed to Brent Kideckel, 270 East Flamingo Road Unit 328, Las Vegas, Nevada, 89169. Further, a copy of this minute order was placed in the attorney folder of Michael E. Rowe.;

10/24/2017 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Motion for Order Shortening Time on Motion for Joinder of Claims and Relief with A-17-757213-C
Moot;

10/24/2017 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
motion for Joinder of Claims and Relief with A-17-757213-C
Moot;

10/24/2017 **Motion to Disqualify Attorney** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Motion for Disqualification of Opposing Counsel Michael Rowe
Denied;

02/20/2018 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint
Motion Granted;

02/20/2018 **Joinder** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Motion to Dismiss Plaintiff's Complaint
Motion Granted;

02/20/2018 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;

Journal Entry Details:
DEFENDANT'S LYFT, INC. AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT... MOTION TO DISMISS PLAINTIFF'S COMPLAINT... David Spurlock Esq. present on behalf of Mid-Century Insurance. Brent Kideckel appearing via Court Call. Ms. Miller argued in support of the Motion to Dismiss, stating the Plaintiff filed a Permissive Joinder, which he thought would bring the Defendants into the case, however it does not and served her clients with the name of her client handwritten in. Ms. Miller argued Plaintiff has no claims against Lyft and Steadfast, noting those claims were dismissed in his first lawsuit in Judge Leavitt's Department, and argued the claims are barred. Mr. Kideckel stated this is the first lawsuit, and indicated he did have loss and incurred medical bills and these Defendants should be a party to the case. COURT STATED ITS FINDINGS and ORDERED, Defendant's Lyft and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint GRANTED WITHOUT PREJUDICE. Upon Court's inquiry, Mr. Spurlock indicated he would submit on the merits of the Motion and it should be viewed as a Joinder to Lyft's and Steadfast's Motion to Dismiss and argued the Plaintiff is filing frivolous Motions. COURT STATED ITS FINDINGS and ORDERED, Motion to Dismiss Mid-Century Insurance GRANTED WITHOUT PREJUDICE; further ORDERED Plaintiff's Request for Rule 11 Sanctions is DENIED. Court directed Ms. Miller to prepare the Order, circulating to all parties for approval as to form and content in accordance with EDCR 7.21.;

02/26/2018 *CANCELED* **Motion to Dismiss** (11:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - Set in Error
Motion to Dismiss Plaintiff's Complaint

03/20/2018 **Discovery Conference** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
COURT CALL - Discovery Conference
Scheduling Order Will Issue; COURT CALL - Discovery Conference
Journal Entry Details:
Mr. Kideckel addressed this Trial de Novo case based on Deft not abiding to the Arbitration, and moving forward Plaintiff may retain counsel; Mr. Kideckel is open to a Settlement Conference, but Plaintiff has since moved out of state. At the time of accident, Mr. Kideckel was driving for Lyft; Mr. Kideckel has an upcoming court appearance for a Motion for Summary Judgment as Plaintiff did not add Lyft in time, but Plaintiff was operating as a 1099. Mr. Kideckel asked to move forward to Trial. Commissioner advised Mr. Kideckel he must follow the Rules of the Court even though Plaintiff is in Proper Person. COMMISSIONER RECOMMENDED, Mr. Kideckel must file an Individual Case Conference Report or Join in Deft's CCR by 4-20-18, otherwise sanctions will issue including but not limited to striking the pleadings; Status Check SET for Plaintiff to appear if an Individual Case Conference is not filed; Mr. Smith's appearance is Excused. If the ICCR is filed, the Status Check will be taken off calendar. A Self-Help Center is located on the First Floor of the Regional Justice Center. Mr. Smith to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Kideckel was open to the dates in Deft's Case Conference Report; Plaintiff is 14 months post-date of loss. Mr. Kideckel confirmed his address is in Palm Springs, California. Commissioner advised Mr. Smith to confirm he has Plaintiff's correct address. Counsel anticipate 2 to 3 days for trial re: Personal injury / vehicle; no Settlement Conference requested; contact Dept. 30 if the parties want a Settlement Conference in the future. COMMISSIONER RECOMMENDED, discovery cutoff is 8-20-18; adding parties, amended pleadings, and initial expert disclosures DUE 5-21-18; rebuttal expert disclosures DUE 6-21-18; file dispositive motions by 9-20-18. Scheduling Order will issue. 5-1-18 9:30 A.M. Status Check: Plaintiff's ICCR / Joinder;

03/29/2018 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Motion for Disqualification of Michael Rowe, Attorney for Defendant, and Plaintiff's Motion for Summary Judgment
Motion Denied;
Journal Entry Details:

Upon Court's inquiry, Mr. Smith advised that he did not have any information regarding Mr. Kideckel's failure to appear for the instant hearing. The Court stated its initial thoughts and inclinations regarding the instant Motion. Mr. Smith agreed with the Court's inclination. COURT ORDERED the instant Motion was hereby DENIED WITHOUT PREJUDICE as to the Motion for Summary Judgment, as well as the request to disqualify Michael Rowe, FINDING the following: (1) that the pleadings did not meet the standards under NRCP 56; and (2) pursuant to the arguments in the Opposition, there were material facts that were in dispute. Mr. Smith to prepare the Order in accordance with EDCR 7.21, and forward it to the

Plaintiff for approval as to form and content.;

05/01/2018 **Status Check** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
05/01/2018, 06/12/2018
Status Check: Plaintiff's CCR or Joinder
Matter Continued; COURT CALL - Status Check: Plaintiff's CCR or Joinder
Matter Continued;
Journal Entry Details:
COMMISSIONER RECOMMENDED, matter CONTINUED. 7-10-18 9:30 a.m. Status Check: Plaintiff's Case Conference Report or Joinder CLERK'S NOTE: Plaintiff filed a Case Conference Report on 6-11-18. Continuance is VACATED.;
Matter Continued; COURT CALL - Status Check: Plaintiff's CCR or Joinder
Matter Continued;
Journal Entry Details:
Plaintiff had up to 4-20-18 to file an Individual Case Conference Report or a Joinder. Mr. Kideckel is no longer in Nevada, it took him over one week to get a copy from Defts, and he has counsel to advise him. Mr. Kideckel is in Proper Person, and the Case Conference Report will be filed shortly. COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Kideckel must get the Case Conference Report on file, and send a file stamped courtesy copy to Discovery. Upon receiving a courtesy copy and a letter from Plaintiff, Commissioner will take the 6-12-18 continuance off calendar. 6-12-18 9:30 a.m. Status Check: Plaintiff's CCR or Joinder to;

05/10/2018 **Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
05/10/2018, 06/14/2018
DCRR 3-20-18
complied
Matter Continued;
Matter Continued;
Pltf filed an ICCR 6-11-18
complied
Journal Entry Details:
The 3-20-18 Report and Recommendation remains outstanding. Mr. Smith was given the responsibility to submit the Report and Recommendation from the 3-20-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;
complied
Matter Continued;
Matter Continued;
Pltf filed an ICCR 6-11-18
complied
Journal Entry Details:
The 3-20-18 Report and Recommendation remains outstanding. Mr. Smith was given the responsibility to submit the Report and Recommendation from the 3-20-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK'S NOTE: The above minute order has been distributed to: Brent Kideckel, 1333 S Belardo Rd, Ste #202, Palm Springs, CA 92264; Karl Smith, Esq. (Law Offices of Karl H. Smith); Darrell Dennis, Esq. (Lewis, Brisbois, Bisgaard & Smith, LLP); Michael Rowe, Esq. (UPSON SMITH).;

05/29/2018 *CANCELED* **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated

06/14/2018 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
06/14/2018, 07/17/2018
Defendants Pamendra Prasad and Mid-Century Insurance Company's Motion to Dismiss Amended Complaint
Matter Continued; Defendants Pamendra Prasad and Mid-Century Insurance Company's Motion to Dismiss Amended Complaint

Granted Without Prejudice; Defendants Pamendra Prasad and Mid-Century Insurance Company's Motion to Dismiss Amended Complaint
Matter Continued; Defendants Pamendra Prasad and Mid-Century Insurance Company's Motion to Dismiss Amended Complaint
Granted Without Prejudice; Defendants Pamendra Prasad and Mid-Century Insurance Company's Motion to Dismiss Amended Complaint

06/14/2018 **Joinder** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
06/14/2018, 07/17/2018
Defendants Steadfast Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint
Matter Continued; Defendants Steadfast Insurance Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint
Granted Without Prejudice; Defendants Steadfast Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint
Matter Continued; Defendants Steadfast Insurance Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint
Granted Without Prejudice; Defendants Steadfast Insurance Company and Lyft, Inc's Joinder to Motion to Dismiss Plaintiff's Amended Complaint

06/14/2018 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
DEFENDANTS PARMENDRA PRASAD AND MID-CENTURY INSURANCE COMPANY'S MOTION TO DISMISS AMENDED COMPLAINT...DEFENDANTS' STEADFAST INSURANCE COMPANY AND LIFT, INC.'S JOINDER TO MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT Pro Se Plaintiff Brent Kideckel appeared by Court Call. Court noted that plaintiff did not file an opposition and advised Mr. Kideckel that if no opposition is filed, that the Court can view the motion as unopposed and grant the motion pursuant to EDCR 2.20. Mr. Kideckel requested the matter be continued to give him the opportunity to file written opposition. Ms. Miller indicated that Lyft was served yesterday. Mr. Rowe argued that there was another case for bad faith in a different department; improper joinder of additional defendants already adjudicated; and the amended complaint should be dismissed. Mr. Kideckel indicated that the additional defendants were not added for bad faith but for personal injury. Ms. Miller indicated that the amended complaint was procedurally improper and that Mr. Kideckel has been improperly sending emails to her office. The Court reminded all parties that e-service is the manner in which the parties communicate regarding the pleadings and if there are any issues that someone is engaging in inappropriate conduct, the Court would need a written motion to address the issue. Following colloquy regarding all pending motions and briefing schedule and upon agreement of all parties, COURT ORDERED, Motions CONTINUED; Plaintiff's Opposition DUE June 21, 2018; Defendants' Replies DUE June 28, 2018; and briefs to be filed, served and courtesy copied to the Court by the due dates. COURT FURTHER ORDERED, Motion for Service by Publication and Sanctions Against Michael Roe, Attorney for Defendant Prasad previously set for June 19, 2018, RESET to July 17, 2018 at 8:45 a.m. CONTINUED TO: 7/17/18 8:45 AM;

07/17/2018 **Motion** (8:45 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad
Off Calendar; Plaintiff's Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad

07/17/2018 **All Pending Motions** (8:45 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION FOR SERVICE BY PUBLICATION AND SANCTIONS AGAINST MICHAEL ROWE, ATTORNEY FOR DEFENDANT PRASAD...DEFENDANTS PAMENDRA PRASAD AND MID-CENTURY INSURANCE COMPANY'S MOTION TO DISMISS AMENDED COMPLAINT...DEFENDANTS STEADFAST INSURANCE COMPANY AND LYFT, INC'S JOINDER TO MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT The Court noted that the Pro Se Plaintiff was not present; that there was no request to continue; and no request to appear via Court Call. Upon the Court's inquiry, counsel indicated there was no reason the Court could not proceed with hearing the Motion to Dismiss Plaintiff's Amended Complaint and the Joinder thereto. Mr. Rowe indicated that the Amended Complaint

is as to Lyft only; that in addition to not requesting leave from the Court or a stipulation by the parties, the issues addressed in the Amended Complaint have already been adjudicated in this department as well as in Department 12. Ms. Miller joined Mr. Rowe's arguments. While the Court noted plaintiff had filed additional motions not set for hearing today, including a Motion for Leave to Amend Complaint, that the Court was not taking any position on the Motion for Leave to Amend Complaint as it was not before the Court; that the Court is only addressing the Amended Complaint filed April 27, 2018. COURT FINDS the Amended Complaint filed April 27, 2018, was filed without leave of Court or stipulation of the parties, is considered a rogue document prohibited by the rules and ORDERED, Amended Complaint filed April 27, 2018 STRICKEN as a rogue document and Motion to Dismiss Amended Complaint and Joinder both GRANTED WITHOUT PREJUDICE from a procedural standpoint. The Court DIRECTED counsel to submit the Order pursuant to EDCR 7.21. Ms. Miller stated that plaintiff continues to send emails directly to her client and other attorneys in the firm and indicated absent an order from the Court, that he would continue to do so. The Court indicated it would review any filings counsel deems appropriate. CLERK'S NOTE: Plaintiff's Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad was taken off calendar, due to plaintiff's non-appearance, and will require renoticing if plaintiff wishes the matter to be heard. (7/17/18; tmj);

07/24/2018 **Motion to Compel** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Compel Lyft to Produce and Comply with Discovery Demands and Request for Sanctions
Denied Without Prejudice;
Journal Entry Details:
Danielle Miller appearing via Court Call. Plaintiff Brent Kideckel not present, nor did he request to be heard via Court Call. COURT ORDERED, the Motion to Produce is more properly before the Discovery Commissioner and is therefore DENIED WITHOUT PREJUDICE. FURTHER, Motion for Sanctions is DENIED as there is no sufficient basis to granted. Ms. Miller to prepare the order.;

07/31/2018 **Motion to Compel** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Compel Parmendra Prasad

07/31/2018 **Motion to Extend Discovery** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
07/31/2018, 08/09/2018
Plaintiff's Motion to Extend Discovery
Matter Continued;
Withdrawn;
Matter Continued;
Withdrawn;

07/31/2018 **Motion for Leave** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
07/31/2018, 08/09/2018
Plaintiff's Motion for Leave to Amend Complaint
Matter Continued;
Denied Without Prejudice;
Matter Continued;
Denied Without Prejudice;

07/31/2018 **Motion** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Disqualify Danielle Miller
Off Calendar;
notice of withdrawal filed 7/31/18

07/31/2018 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:

PLAINTIFF'S MOTION TO DISQUALIFY DANIELLE MILLER...PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT...PLAINTIFF'S MOTION TO EXTEND DISCOVERY...PLAINTIFF'S MOTION TO COMPEL PARMENDRA PRASAD Ms. Miller indicated that since the filing of Plaintiff's Motion to Disqualify Danielle Miller, her client has since been dismissed. The Court does not find a disqulification would be appropriate with the

current posture of this case. Following representations by Mr. Kideckel, the Court clarified that the Motion to Disqualied is being withdrawn without prejudice. Accordingly, COURT ORDERED, matter OFF CALENDAR as withdrawn. The Court stated that it received an Order from the July 17, 2018 hearing granting Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to NRCP 15A Only which the Court did not sign because it was not a proper order, i.e. it was not circulated to the parties nor did it state the reasons why the Court granted the motion. After confirming with Mr. Kideckel and Ms. Miller that they had not see the order, original Order RETURNED IN OPEN COURT to Mr. Rowe. Court further noted that because the Order has not been signed, there is now a procedural issue with hearing the matters scheduled for today. Colloquy regarding whether the parties wished to have the oral order granting Defendant's Motion to Dismiss treated as if it were a written statement with notice of entry thereof and move forward with the pending motion. Mr. Kideckel indicated he would request an opportunity to review the Order. Ms. Miller requested that the matters be heard today. Court stated the matters cannot proceed today when plaintiff has not had the opportunity to review the Order and approve as to form and content. COURT ORDERED, matters CONTINUED; the Court directed Mr. Rowe to circulate the draft order in accordance with EDCR 7.21. CONTINUED TO: 8/9/18 8:30 AM ;

08/09/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION TO EXTEND DISCOVERY...PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT Order for Motion to Dismiss SIGNED IN OPEN COURT. Plaintiff advised he was withdrawing the Motion to Extend Discovery. Arguments by counsel and Plaintiff regarding the merits of the Motion for Leave to Amend. Court stated its findings and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Rowe to prepare the Order and circulate it to the parties for review as to form and content. ;

08/15/2018 **Motion to Compel** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiff's Motion to Compel Parmendra Prasad and Lyft Inc.
Granted; Plaintiff's Motion to Compel Parmendra Prasad and Lyft Inc.
Journal Entry Details:
Trial date is 11-19-18, and discovery cutoff is 8-20-18. Mr. Kideckel originally filed the Motion in the wrong venue, and the Motion was Dismissed. Mr. Kideckel resides in Palm Springs, California. Argument by Mr. Kideckel; both sides agreed to continue discovery, and Judge Cadish agreed if it doesn't impact the Trial date. COMMISSIONER RECOMMENDED, motion is GRANTED; discovery cutoff EXTENDED to 9-28-18; dispositive motion deadline STANDS. Mr. Rowe requested dates of availability. Mr. Kideckel requested to complete Mr. Prasad's deposition. Mr. Kideckel stated the Jewish holidays are upcoming. COMMISSIONER RECOMMENDED, complete Mr. Prasad's deposition by 9-28-18. Commissioner stated Lyft is a non-party, they must be Subpoenaed under Rule 45, and they were not served with the Motion. Mr. Kideckel will re-Subpoena them. Mr. Kideckel was hoping to file a Motion to Amend on OST. Commissioner stated Mr. Kideckel can take the deposition of a Lyft Representative under Rule 30(b)(6) upon proper service of a Subpoena. COMMISSIONER RECOMMENDED, complete deposition by 9-28-18. Mr. Kideckel cannot have sanctions as he is in Proper Person. The Self Help Center is located on the First Floor, and they have the Report and Recommendation form. COMMISSIONER RECOMMENDED, no fees or costs. Mr. Rowe and his client agreed to two hours for deposition. Unless Mr. Rowe has an Order from the Court getting protection and that is not before Commissioner today, Mr. Rowe must follow the Rules of the Court. The Rule allows seven hours. Commissioner confirmed Mr. Kideckel will pay for the Court Reporter. Mr. Kideckel to prepare the Report and Recommendations, and Mr. Rowe to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. The Report and Recommendation becomes an Order when the Judge signs it.;

08/28/2018 **Motion to Amend Complaint** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Leave to Amend; Order Shortening Time
Withdrawn;
Journal Entry Details:
Court expressed its inclinations. Mr. Kideckel advised he amended the original Complaint. Court advised it was a substituted Complaint, which was different. Arguments by Mr. Rowe in opposition to the Motion. Mr. Kideckel advised he had to withdraw his Motion. COURT ORDERED, Motion WITHDRAWN; 9/20/2018 Motion for Leave to Amend Complaint VACATED. CLERK'S NOTE: The above Minute Order was completed by listening to a JAVS

recording of the proceedings. kc//10-23-18;

08/29/2018 **Motion for Protective Order** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Non-Party Lyft Inc's Motion for Protective Order on OST
Granted; Non-Party Lyft Inc's Motion for Protective Order on OST
Journal Entry Details:
Ms. Miller stated Plaintiff served a Notice to Vacate the deposition, and there is still an issue on documents he requested. COMMISSIONER RECOMMENDED, motion is GRANTED; areas of protection are 1) Driver data for Las Vegas, Nevada; 2) records for Lyft Driver in this case are limited to date of accident on 2-19-17. Ms. Miller represented that Mr. Prasad is a Tort Feaser, and he isn't a Lyft Driver. Commissioner asked Ms. Miller to indicate that in a response (Lyft cannot produce what they don't have). COMMISSIONER RECOMMENDED, protected area is 3) passenger information of those on board during his driving. Commissioner GRANTED PROTECTION on the Subpoena, and Subpoena is QUASHED related to Lyft, Inc.; Lyft, Inc. is PROTECTED from responding to the Subpoena based on the representation that Deft driver, Tort Feaser is not a Lyft driver and records are not related to this litigation. Ms. Miller to prepare the Report and Recommendations, and Mr. Kideckel and Defense counsel to approve as to form and content. A proper report must be timely submitted within 30 days of the hearing. Otherwise, counsel will pay a contribution. If signatures cannot be obtained, Ms. Miller can send a letter to Commissioner with the DCRR re: her efforts, and submit DCRR to comply with the deadline.;

09/06/2018 **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;

09/06/2018 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Defendant's Motion for Settlement Conference
Motion Granted;

09/06/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
STATUS CHECK...DEFENDANT'S MOTION FOR SETTLEMENT CONFERENCE Court noted pro se plaintiff, Brent Kideckel, not present and there was no request for Court Call. The Court acknowledged receipt of plaintiff's opposition; the Court will address the motion on its merits; and stated its inclination to grant the motion. Mr. Rowe submitted on the pleadings. COURT ORDERED, Defendant's Motion for Settlement Conference GRANTED, the parties are to participate in a Mandatory Settlement Conference. Mr. Rowe to prepare the Order in accordance with EDCR 7.21, circulating to all parties, or any non-party requesting same, for approval as to form and content.;

09/20/2018 *CANCELED* **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated
Motion for Leave to Amend Complaint

09/28/2018 **Motion** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiff's Motion for Sanctions Against Defendant Parmendra Prasad and Attorneys Michael Rowe and Karl Smith
Denied Without Prejudice; Plaintiff's Motion for Sanctions Against Defendant Parmendra Prasad and Attorneys Michael Rowe and Karl Smith
Journal Entry Details:

Commissioner stated there was a failure to produce discovery responses timely, but they were produced ten days after they were due. Mr. Rowe agreed. Mr. Kideckel stated the discovery is the same answers he received one year ago through Arbitration. Arguments by Mr. Kideckel and Mr. Rowe. Mr. Rowe stated Deft accepted liability. Following Mr. Rowe's argument, Commissioner stated the Plaintiff's Motion for Leave to Amend is set before Judge Kishner. If the Motion is Granted without a Hearing, then Mr. Kideckel must bring a Motion to Extend Discovery and Trial before Judge Kishner. Otherwise, Plaintiff and Defense counsel can work together on a Stipulation and Order to extend the deadlines. Although the Motion is well founded, COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE; no sanctions today, and no fees and costs to a Proper Person party. If the discovery is not sufficient, Plaintiff must have a 2.34 conference with Defense counsel, and Mr. Rowe has an

opportunity to respond. If issues cannot be resolved, Mr. Kideckel can bring a Motion to Commissioner's attention. Mr. Rowe to prepare the Report and Recommendations, and Mr. Kideckel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

10/11/2018 **Motion for Leave** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Leave to Amend Complaint
Motion Granted;

10/11/2018 **Motion to Continue Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Defendant's Motion to Continue Trial
Motion Granted;

10/11/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
The Court noted that the pro se plaintiff, Brent Kideckel requested and was approved to appear by Court Call. The Court dialed into Court Call for the duration of the hearing however Mr. Kideckel was not present in Court or on Court Call. Upon the Court's inquiry, Mr. Rowe indicated he has had no communication with plaintiff. DEFENDANT'S MOTION TO CONTINUE TRIAL Court stated its inclination to grant Defendant's Motion to Continue Trial in light of Plaintiff's Motion for Leave to Amend Complaint. Colloquy regarding trial setting. COURT ORDERED, Trial Dates VACATED and RESET. PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT Mr. Rowe argued in opposition to Plaintiff's Motion for Leave to Amend Complaint stating it was beyond the time to add new parties. The Court noting the Rule 15 standards, with the trial having been continued, and prejudice being a non-issue, COURT ORDERED Plaintiff's Motion for Leave to Amend Complaint GRANTED over the objection of defendant; Plaintiff will have 20 days from Notice of Entry of the Order to file the Amended Complaint. Mr. Rowe to prepare the Order on both motions pursuant to EDCR 7.21. 2/14/19 10:15 AM PRE TRIAL CONFERENCE 3/12/19 9:00 AM CALENDAR CALL 3/18/19 9:00 AM JURY TRIAL;

10/18/2018 **Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
10/18/2018, 11/29/2018, 01/10/2019
Matter Continued;
Matter Continued;
Set Notice To Appear; (DCRR 8-15-18 and 9-28-18)
Matter Continued;
Matter Continued;
Set Notice To Appear; (DCRR 8-15-18 and 9-28-18)
Matter Continued;
Matter Continued;
Set Notice To Appear; (DCRR 8-15-18 and 9-28-18)
Journal Entry Details:
The 8-15-18 Report and Recommendation remains outstanding. Mr. Kideckel was given the responsibility to submit the Report and Recommendation from the 8-15-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;

10/18/2018 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

10/23/2018 *CANCELED* **Minute Order** (2:15 PM) (Judicial Officer: Bulla, Bonnie)
Vacated

10/25/2018 *CANCELED* **Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

11/13/2018 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

11/19/2018	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Judge*
11/29/2018	**Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie) **11/29/2018, 01/10/2019** *Status Check: Compliance (DCRR 8-15-18 and 9-28-18)* Matter Continued; Set Notice To Appear; Matter Continued; Set Notice To Appear;
11/29/2018	**All Pending Motions** (3:00 AM) (Judicial Officer: Bulla, Bonnie) Matter Heard; Journal Entry Details: *The 8-15-18 Report and Recommendation remains outstanding. Mr. Kideckel was given the responsibility to submit the Report and Recommendation from the 8-15-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. The 9-28-18 Report and Recommendation remains outstanding. Mr. Rowe was given the responsibility to submit the Report and Recommendation from the 9-28-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;*
12/11/2018	**Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint* Motion Granted; Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint Journal Entry Details: *The Court noting Pro Se Plaintiff was not present, that there was no request to appear telephonically, and inquired if Mr. Rowe had any contact with plaintiff. Mr. Rowe indicated he has had no contact with Mr. Kideckel since the filing of the Amended Complaint and requested that the Amended Complaint be dismissed with prejudice. There being no opposition, COURT ORDERED Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint GRANTED pursuant to EDCR 2.20 and the Court being cognizant of Exhibit A, the Order of Department 12, filed October 31, 2017; and DIRECTED Mr. Rowe to prepare the Order in accordance with EDCR 7.21.;*
12/18/2018	**Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Defendants Lyft, Inc. And Steadfast Insurance Company's Motion To Dismiss Plaintiff's Amended Complaint* Motion Granted; Journal Entry Details: *Court noted no opposition was received and inquired if there were any requests were made. Ms. Miller stated she had not heard from opposing counsel. COURT ORDERED, Motion GRANTED pursuant to EDCR 2.20 and on the merits. Court directed Ms. Miller to prepare, circulate, and submit the Order. CLERK'S NOTE: Minutes completed using JAVS by Court Clerk Elizabeth Vargas. //ev 12/28/18;*
02/14/2019	**Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
03/05/2019	**Discovery Conference** (10:00 AM) (Judicial Officer: Bulla, Bonnie) *Discovery Conference*
03/12/2019	**Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
03/18/2019	**Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

DATE	FINANCIAL INFORMATION

Defendant Lyft Inc	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 1/22/2019	**0.00**
Defendant Mid-Century Insurance dba Farmers Insurance	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 1/22/2019	**0.00**
Defendant Prasad, Parmendra	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 1/22/2019	**0.00**
Plaintiff Kideckel, Brent	
Total Charges	851.00
Total Payments and Credits	851.00
Balance Due as of 1/22/2019	**0.00**

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-17-755053-C
XXXI

Case No.
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Brent R Kidwell 290 E Flamingo Rd Unit 328 LV NV 89169	Pammenda Prasad Nikheel Prasad
Attorney (name/address/phone):	Attorney (name/address/phone):

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

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant ☐ Unlawful Detainer ☐ Other Landlord/Tenant **Title to Property** ☐ Judicial Foreclosure ☐ Other Title to Property **Other Real Property** ☐ Condemnation/Eminent Domain ☐ Other Real Property	**Negligence** ☐ Auto ☐ Premises Liability ☐ Other Negligence **Malpractice** ☐ Medical/Dental ☐ Legal ☐ Accounting ☐ Other Malpractice	**Other Torts** ☐ Product Liability ☐ Intentional Misconduct ☐ Employment Tort ☐ Insurance Tort ☐ Other Tort

A-17-755053-C
CCS
Civil Cover Sheet
4646956

Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate *(select case type and estate value)* ☐ Summary Administration ☐ General Administration ☐ Special Administration ☐ Set Aside ☐ Trust/Conservatorship ☐ Other Probate **Estate Value** ☐ Over $200,000 ☐ Between $100,000 and $200,000 ☐ Under $100,000 or Unknown ☐ Under $2,500	**Construction Defect** ☐ Chapter 40 ☐ Other Construction Defect **Contract Case** ☐ Uniform Commercial Code ☐ Building and Construction ☐ Insurance Carrier ☐ Commercial Instrument ☐ Collection of Accounts ☐ Employment Contract ☐ Other Contract	**Judicial Review** ☐ Foreclosure Mediation Case ☐ Petition to Seal Records ☐ Mental Competency **Nevada State Agency Appeal** ☐ Department of Motor Vehicle ☐ Worker's Compensation ☐ Other Nevada State Agency **Appeal Other** ☐ Appeal from Lower Court ☐ Other Judicial Review/Appeal

Civil Writ		Other Civil Filing
Civil Writ ☐ Writ of Habeas Corpus ☐ Writ of Mandamus ☐ Writ of Quo Warrant	☐ Writ of Prohibition ☐ Other Civil Writ	**Other Civil Filing** ☐ Compromise of Minor's Claim ☐ Foreign Judgment ☒ Other Civil Matters

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

PREPARED BY CLERK

Date

MAY 04 2017

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
1/14/2019 2:11 PM
Steven D. Grierson
CLERK OF THE COURT

FFCL
DARRELL D. DENNIS, ESQ.
Nevada Bar No. 006618
Email: Darrell.Dennis@lewisbrisbois.com
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
Email: Danielle.Miller@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone; 702.893.3383
Facsimile: 702.893.3789
Attorneys for Defendants Lyft, Inc. and Steadfast Insurance Company

DISTRICT COURT

CLARK COUNTY, NEVADA

BRENT KIDECKEL, Plaintiff, vs. PARMENDRA "PATRICK" PRASAD, NIKHEEL PRASAD, LYFT, INC., STEADFAST INSURANCE COMPANY Defendants.	CASE NO. A-17-755053-C Dept. No.: XXXI FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC. AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT Hearing Date: December 18, 2018 Hearing Time: 9:30 a.m.

The above-captioned matter having come before the Court for hearing pursuant to Defendants Lyft, Inc. and Steadfast Insurance Company's ("Defendants"), Motion to Dismiss Plaintiff's Amended Complaint on the 18th day of December, 2018 at 9:30 a.m. The Court having considered the papers and pleadings on file herein; with no Opposition having been filed being filed by Plaintiff; and the Court being fully advised of the premises; and for good cause appearing therefore:

I. FINDING OF FACTS

The Court hereby finds the following are undisputed material facts:

1. Plaintiff's claims arise out of a February 19, 2017, motor vehicle accident (the "Accident") in which Parmendra Prasad ("Prasad"), while operating a vehicle owned by Nickeel Prasad, rear-ended Plaintiff while he was transporting passengers in a rental

DEC 28 '18 PM03:01

Case Number: A-17-755053-C

vehicle through the Lyft application, website and technology platform (collectively, the "Lyft Platform").

2. Plaintiff alleges that as a result of the accident he treated with a chiropractor approximately eight (8) times over a twenty (20) day period, and has incurred special damages of approximately $2,028.

3. The Prasads have an insurance policy with Farmers Insurance Company, with bodily injury limits of $15,000 per person and $30,000 per occurrence (the "Farmers Policy"). Prasad has admitted liability, thus, the only remaining issue in dispute is the amount of Plaintiff's damages.

4. Lyft is the named insured pursuant to a policy of insurance issued by Steadfast (the "Steadfast Policy"). A driver operating on the Lyft Platform may be entitled to uninsured/uninsured motorist coverage from the time that a driver accepts a passenger ride request, continuing while that driver is giving a ride to a passenger, and ending when the driver ends the ride in the app pursuant to the terms and conditions of the Steadfast Policy.

5. On May 5, 2017, Plaintiff filed a Complaint against the Prasads in the Eighth Judicial District Court, Case No. A-17-755053-C, asserting a claim for negligence (the "Underlying Negligence Lawsuit") arising out of the underlying Accident.

6. On June 22, 2017, Plaintiff filed a Complaint against York Risk Services Group, Lyft, Steadfast, and Mid-Century Insurance in the Eighth Judicial District Court, Case No. A-17-757213-C, alleging breach of contract for underinsured motorist benefits and violations of Nevada's unfair claims practices (the "First Breach of the Steadfast Policy Complaint").

7. On August 15, 2017, Defendants filed a Motion to Dismiss the First Breach of Contract Complaint pursuant to NRCP 12(b)(5) on the basis that it failed to state a claim upon which relief could be granted (the "First Motion to Dismiss"). On October 16, 2017, Defendants' Motion to Dismiss was granted without leave to amend and a Notice of Entry of Order for Dismissal was entered that same day.

8. Pursuant to NRCP 60(b), Plaintiff's deadline to file a Motion for Reconsideration was November 10, 2017. Pursuant to NRAP 4(a)(1), Plaintiff's deadline to file a Notice of Appeal was November 28, 2017. Plaintiff failed to file either.

9. On December 28, 2017, Plaintiff served Lyft and Steadfast with a Summons and a re-filed copy of the Underlying Negligence Lawsuit filed against the Prasads (the "Second Breach of the Steadfast Policy Complaint").

10. On January 16, 2018, Lyft and Steadfast filed a Motion to Dismiss the Second Breach of the Steadfast Policy Complaint and on April 16, 2018, the Court entered its Order granting the Motion to Dismiss.

11. On April 27, 2018, Plaintiff filed yet another Complaint titled "Amended Complaint and Joinder of Defendants Lyft, Steadfast and Mid-Century Insurance" (the "Third Breach of the Steadfast Policy Complaint").

12. On June 27, 2018, Plaintiff filed his first Motion for Leave to Amend Complaint.

13. On August 8, 2019, this Court denied Plaintiff's Motion for Leave to Amend Complaint without prejudice.

14. On August 17, 2018, Plaintiff filed his second Motion for Leave to Amend his Complaint, which he subsequently withdrew.

15. On September 9, 2018, Plaintiff filed a third Motion for Leave to Amend his Complaint, which was granted.

16. On October 12, 2018, Plaintiff filed his Fourth Amended Complaint (the "Fourth Breach of the Steadfast Policy Complaint"), which asserted the same claims as Plaintiff's First Breach of the Steadfast Policy Complaint.

17. Plaintiff's Fourth Breach of Contract Complaint is dismissed with prejudice pursuant to Eighth Judicial District Court Rule (EDCR) 3.20(c) based on Plaintiff's failure to file an Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

18. Plaintiff's Fourth Breach of Contract Complaint is also dismissed on substantive grounds because Plaintiff's claims are barred by the doctrine of *res judicata*.

II. CONCLUSIONS OF LAW

1. Nevada Rule of Civil Procedure 12(b)(5) provides that a plaintiff's complaint may be dismissed for "failure to state a claim upon which relief can be granted." *See* NRCP 12(b)(5).

2. When considering a motion to dismiss, the Court must accept all the factual allegations in the complaint as true. *Bemis v. Bemis*, 114 Nev. 1021, 1024 (1998); *see also California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 515, 92 S.Ct. 609, 614, 30 L.Ed.2d 642 (1972). However, a court should not "assume the truth of legal conclusions merely because they are cast in the form of factual allegations." *See W. Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981).

3. A court must determine whether a plaintiff's complaint alleges facts that make the causes of action "plausible," not merely "conceivable" or "speculative." *See Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1969 (2007). This Court also need not accept legal conclusions couched as factual allegations. *See Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949-50 (2009).

4. Dismissal of a complaint without leave to amend may be appropriate. *See Brown v. Capanna*, 105 Nev. 665 (1989) (stating that instances do exist where a court should not grant leave). Dismissal without leave to amend is proper when it is clear that the complaint cannot be saved by any amendment. *Bemis v. Bemis*, 114 Nev. 1021, 1024 (1998) (noting that a claim may be dismissed if "the plaintiff is not entitled to relief under any set of facts which could be proved in support of the claim") (quotations, citations omitted).

5. Pursuant to EDCR Rule 3.20 (c), within 7 days after the service of a motion, the opposing party must serve and file written opposition thereto. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and a consent to granting of the same.

6. The doctrine of *res judicata* provides that when there is a final judgment on the merits, further claims by the parties or their privies based upon the same cause of

action are barred. *Board of Trustees of Carpenters Pension Trust Fund v. Reyes*, 688 F.2d 671, 673 (9th Cir.1982), cert. denied, 462 U.S. 1120 (1983).

7. Under Nevada law, ""[t]he doctrine of *res judicata* precludes parties or their privies from re-litigating a cause of action that has been finally determined in a court of competent jurisdiction.'" *Paradise Palms Community Ass'n v. Paradise Homes*, 89 Nev. 27, 30, 505 P.2d 596, 598 (1973) (quoting *Bernhard v. Bank of America Nat. Trust and Sav. Ass'n*, 19 Cal.2d 807, 122 P.2d 892, 894 (1942)).

8. The doctrine of res judicata bars a claim if (1) the issue was decided in a prior adjudication, (2) there was a final judgment on the merits, and (3) the party against whom the defense is asserted was a party to the prior adjudication. *See York v. York*, 664 P.2d 967, 967 (1983) (emphasis added).

9. "[A] judgment is conclusive not only on the questions actually contested and determined but on all matters which might have been litigated and decided in the suit." *Higgins v. Higgins*, 744 P.2d 530, 531 (1987) (emphasis added). Thus, "[a] litigant cannot avoid the preclusive effect of *res judicata* by failing explicitly to plead certain causes of action in a prior state action." *Id.*

10. Plaintiff's Fourth Amended Breach of the Steadfast Policy Complaint is barred by the doctrine of *res judicata* because all three prongs off the test are satisfied: the issues presented here were already decided in the prior litigation; there was a final judgment on the merits, and Lyft, Inc. and Steadfast were parties in the prior adjudication.

11. Because Plaintiff's causes of action are barred by the doctrine of *res judicata*, Plaintiff's Fourth Breach of the Steadfast Policy Complaint fails to state a claim upon which relief can be granted and Plaintiffs' Fourth Breach of the Steadfast policy Complaint is dismissed with prejduce.

///

///

///

///

12. Because Plaintiff cannot amend his fatally flawed Fourth Breach of Contract Complaint, Plaintiff's Fourth Breach of Contract Complaint is dismissed with prejudice and without leave to amend pursuant to NRCP 12(b)(5).

NOW THEREFORE:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint is granted in favor of Defendants Lyft, Inc. and Steadfast Insurance Company; and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Amended Complaint is dismissed with prejudice pursuant to NRCP 12(b)(5) and without leave to amend.

IT IS SO ORDERED.

DATED this 2 day of Jan, 201_.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Respectfully Submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

DARRELL D. DENNIS, ESQ.
Nevada Bar No. 006618
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants Lyft, Inc. and Steadfast Insurance Company

Approved As to Form And Content:
Dated this ____ day of December, 2018.

PLAINTIFF IN PROPER PERSON
REFUSED TO SIGN

Brent R. Kideckel
1333 S. Belardo Road, Suite 202
Palm Springs, California 92264
Pro Per

LEWIS BRISBOIS BISGAARD & SMITH LLP ATTORNEYS AT LAW

Electronically Filed
1/15/2019 12:33 PM
Steven D. Grierson
CLERK OF THE COURT

NEO
DARRELL D. DENNIS, ESQ.
Nevada Bar No. 006618
Email: Darrell.Dennis@lewisbrisbois.com
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
Email: Danielle.Miller@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone; 702.893.3383
Facsimile: 702.893.3789
Attorneys for Defendants York Risk Services Group, Steadfast Insurance Company and Lyft, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

BRENT KIDECKEL, Plaintiff, vs. PARMENDRA "PATRICK" PRASAD, NIKHEEL PRASAD, LYFT, INC., STEADFAST INSURANCE COMPANY, Defendants.	CASE NO. A-17-755053-C Dept. No.: XXXI NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC., AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD.

PLEASE TAKE NOTICE that on January 14, 2019, FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC., AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

COMPLAINT was entered in the above-captioned matter, a true and correct copy of which is attached hereto.

DATED this 15th day of January, 2019.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By _____

DARRELL D. DENNIS, ESQ.
Nevada Bar No. 6618
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 9127
6385 South Rainbow Blvd., Suite 600
Las Vegas, NV 89118
Attorneys for Defendants York Risk Services Group, Steadfast Insurance Company and Lyft, Inc.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), A.O. 14-2 and N.E.F.C.R. 9, I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 15th day of January, 2019, I did cause a true and correct copy of NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC., AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT in Kideckel, Brent v. Parmendra "Patrick" Prasad, Nikheel Prasad, Lyft, Inc. and Steadfast Insurance Company, District Court Case No. A-17-755053-C, to be served by electronic service with the Eighth Judicial District Court filing system to the parties on the Electronic Service List and also placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

Brent R. Kideckel
1333 S. Belardo Road, Suite 202
Palm Springs, California 92264
Pro Per
brentkideckel@gmail.com

Michael E. Rowe, Esq.
LAW OFFICES OF STACEY A. UPSON
P.O. Box 258829
Oklahoma City, OK 73125-8829
Physical Address:
7455 Arroyo Crossing Parkway, Ste. 200
Las Vegas, NV 89113
Telephone: (702) 408-3800
Attorney for Defendants
Parmendra Prasad and Nikheel Prasad
michael.rowe@farmersinsurance.com

By _____
Tiffany Dube, an Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP
Email: Tiffany.Dube@lewisbrisbois.com

Electronically Filed
1/14/2019 2:11 PM
Steven D. Grierson
CLERK OF THE COURT

FFCL
DARRELL D. DENNIS, ESQ.
Nevada Bar No. 006618
Email: Darrell.Dennis@lewisbrisbois.com
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
Email: Danielle.Miller@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone; 702.893.3383
Facsimile: 702.893.3789
Attorneys for Defendants Lyft, Inc. and Steadfast Insurance Company

DISTRICT COURT

CLARK COUNTY, NEVADA

BRENT KIDECKEL, Plaintiff, vs. PARMENDRA "PATRICK" PRASAD, NIKHEEL PRASAD, LYFT, INC., STEADFAST INSURANCE COMPANY Defendants.	CASE NO. A-17-755053-C Dept. No.: XXXI FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC. AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT Hearing Date: December 18, 2018 Hearing Time: 9:30 a.m.

The above-captioned matter having come before the Court for hearing pursuant to Defendants Lyft, Inc. and Steadfast Insurance Company's ("Defendants"), Motion to Dismiss Plaintiff's Amended Complaint on the 18th day of December, 2018 at 9:30 a.m. The Court having considered the papers and pleadings on file herein; with no Opposition having been filed being filed by Plaintiff; and the Court being fully advised of the premises; and for good cause appearing therefore:

I. FINDING OF FACTS

The Court hereby finds the following are undisputed material facts:

1. Plaintiff's claims arise out of a February 19, 2017, motor vehicle accident (the "Accident") in which Parmendra Prasad ("Prasad"), while operating a vehicle owned by Nickeel Prasad, rear-ended Plaintiff while he was transporting passengers in a rental

DEC 28 '18 PM03:01

vehicle through the Lyft application, website and technology platform (collectively, the "Lyft Platform").

2. Plaintiff alleges that as a result of the accident he treated with a chiropractor approximately eight (8) times over a twenty (20) day period, and has incurred special damages of approximately $2,028.

3. The Prasads have an insurance policy with Farmers Insurance Company, with bodily injury limits of $15,000 per person and $30,000 per occurrence (the "Farmers Policy"). Prasad has admitted liability, thus, the only remaining issue in dispute is the amount of Plaintiff's damages.

4. Lyft is the named insured pursuant to a policy of insurance issued by Steadfast (the "Steadfast Policy"). A driver operating on the Lyft Platform may be entitled to uninsured/uninsured motorist coverage from the time that a driver accepts a passenger ride request, continuing while that driver is giving a ride to a passenger, and ending when the driver ends the ride in the app pursuant to the terms and conditions of the Steadfast Policy.

5. On May 5, 2017, Plaintiff filed a Complaint against the Prasads in the Eighth Judicial District Court, Case No. A-17-755053-C, asserting a claim for negligence (the "Underlying Negligence Lawsuit") arising out of the underlying Accident.

6. On June 22, 2017, Plaintiff filed a Complaint against York Risk Services Group, Lyft, Steadfast, and Mid-Century Insurance in the Eighth Judicial District Court, Case No. A-17-757213-C, alleging breach of contract for underinsured motorist benefits and violations of Nevada's unfair claims practices (the "First Breach of the Steadfast Policy Complaint").

7. On August 15, 2017, Defendants filed a Motion to Dismiss the First Breach of Contract Complaint pursuant to NRCP 12(b)(5) on the basis that it failed to state a claim upon which relief could be granted (the "First Motion to Dismiss"). On October 16, 2017, Defendants' Motion to Dismiss was granted without leave to amend and a Notice of Entry of Order for Dismissal was entered that same day.

8. Pursuant to NRCP 60(b), Plaintiff's deadline to file a Motion for Reconsideration was November 10, 2017. Pursuant to NRAP 4(a)(1), Plaintiff's deadline to file a Notice of Appeal was November 28, 2017. Plaintiff failed to file either.

9. On December 28, 2017, Plaintiff served Lyft and Steadfast with a Summons and a re-filed copy of the Underlying Negligence Lawsuit filed against the Prasads (the "Second Breach of the Steadfast Policy Complaint").

10. On January 16, 2018, Lyft and Steadfast filed a Motion to Dismiss the Second Breach of the Steadfast Policy Complaint and on April 16, 2018, the Court entered its Order granting the Motion to Dismiss.

11. On April 27, 2018, Plaintiff filed yet another Complaint titled "Amended Complaint and Joinder of Defendants Lyft, Steadfast and Mid-Century Insurance" (the "Third Breach of the Steadfast Policy Complaint").

12. On June 27, 2018, Plaintiff filed his first Motion for Leave to Amend Complaint.

13. On August 8, 2019, this Court denied Plaintiff's Motion for Leave to Amend Complaint without prejudice.

14. On August 17, 2018, Plaintiff filed his second Motion for Leave to Amend his Complaint, which he subsequently withdrew.

15. On September 9, 2018, Plaintiff filed a third Motion for Leave to Amend his Complaint, which was granted.

16. On October 12, 2018, Plaintiff filed his Fourth Amended Complaint (the "Fourth Breach of the Steadfast Policy Complaint"), which asserted the same claims as Plaintiff's First Breach of the Steadfast Policy Complaint.

17. Plaintiff's Fourth Breach of Contract Complaint is dismissed with prejudice pursuant to Eighth Judicial District Court Rule (EDCR) 3.20(c) based on Plaintiff's failure to file an Opposition to Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

18. Plaintiff's Fourth Breach of Contract Complaint is also dismissed on substantive grounds because Plaintiff's claims are barred by the doctrine of *res judicata*.

II. CONCLUSIONS OF LAW

1. Nevada Rule of Civil Procedure 12(b)(5) provides that a plaintiff's complaint may be dismissed for "failure to state a claim upon which relief can be granted." *See* NRCP 12(b)(5).

2. When considering a motion to dismiss, the Court must accept all the factual allegations in the complaint as true. *Bemis v. Bemis*, 114 Nev. 1021, 1024 (1998); *see also California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 515, 92 S.Ct. 609, 614, 30 L.Ed.2d 642 (1972). However, a court should not "assume the truth of legal conclusions merely because they are cast in the form of factual allegations." *See W. Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981).

3. A court must determine whether a plaintiff's complaint alleges facts that make the causes of action "plausible," not merely "conceivable" or "speculative." *See Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1969 (2007). This Court also need not accept legal conclusions couched as factual allegations. *See Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949-50 (2009).

4. Dismissal of a complaint without leave to amend may be appropriate. *See Brown v. Capanna*, 105 Nev. 665 (1989) (stating that instances do exist where a court should not grant leave). Dismissal without leave to amend is proper when it is clear that the complaint cannot be saved by any amendment. *Bemis v. Bemis*, 114 Nev. 1021, 1024 (1998) (noting that a claim may be dismissed if "the plaintiff is not entitled to relief under any set of facts which could be proved in support of the claim") (quotations, citations omitted).

5. Pursuant to EDCR Rule 3.20 (c), within 7 days after the service of a motion, the opposing party must serve and file written opposition thereto. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and a consent to granting of the same.

6. The doctrine of *res judicata* provides that when there is a final judgment on the merits, further claims by the parties or their privies based upon the same cause of

action are barred. *Board of Trustees of Carpenters Pension Trust Fund v. Reyes*, 688 F.2d 671, 673 (9th Cir.1982), cert. denied, 462 U.S. 1120 (1983).

7. Under Nevada law, ""[t]he doctrine of *res judicata* precludes parties or their privies from re-litigating a cause of action that has been finally determined in a court of competent jurisdiction.'" *Paradise Palms Community Ass'n v. Paradise Homes*, 89 Nev. 27, 30, 505 P.2d 596, 598 (1973) (quoting *Bernhard v. Bank of America Nat. Trust and Sav. Ass'n*, 19 Cal.2d 807, 122 P.2d 892, 894 (1942)).

8. The doctrine of res judicata bars a claim if (1) the issue was decided in a prior adjudication, (2) there was a final judgment on the merits, and (3) the party against whom the defense is asserted was a party to the prior adjudication. *See York v. York*, 664 P.2d 967, 967 (1983) (emphasis added).

9. "[A] judgment is conclusive not only on the questions actually contested and determined but on all matters which might have been litigated and decided in the suit." *Higgins v. Higgins*, 744 P.2d 530, 531 (1987) (emphasis added). Thus, "[a] litigant cannot avoid the preclusive effect of *res judicata* by failing explicitly to plead certain causes of action in a prior state action." *Id.*

10. Plaintiff's Fourth Amended Breach of the Steadfast Policy Complaint is barred by the doctrine of *res judicata* because all three prongs off the test are satisfied: the issues presented here were already decided in the prior litigation; there was a final judgment on the merits, and Lyft, Inc. and Steadfast were parties in the prior adjudication.

11. Because Plaintiff's causes of action are barred by the doctrine of *res judicata*, Plaintiff's Fourth Breach of the Steadfast Policy Complaint fails to state a claim upon which relief can be granted and Plaintiffs' Fourth Breach of the Steadfast policy Complaint is dismissed with prejduce.

///

///

///

///

12. Because Plaintiff cannot amend his fatally flawed Fourth Breach of Contract Complaint, Plaintiff's Fourth Breach of Contract Complaint is dismissed with prejudice and without leave to amend pursuant to NRCP 12(b)(5).

NOW THEREFORE:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Lyft, Inc. and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint is granted in favor of Defendants Lyft, Inc. and Steadfast Insurance Company; and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Amended Complaint is dismissed with prejudice pursuant to NRCP 12(b)(5) and without leave to amend.

IT IS SO ORDERED.

DATED this 2 day of Jan, 201_.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Respectfully Submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

DARRELL D. DENNIS, ESQ.
Nevada Bar No. 006618
DANIELLE C. MILLER, ESQ.
Nevada Bar No. 009127
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants Lyft, Inc. and Steadfast Insurance Company

Approved As to Form And Content:
Dated this ____ day of December, 2018.

PLAINTIFF IN PROPER PERSON

REFUSED TO SIGN

Brent R. Kideckel
1333 S. Belardo Road, Suite 202
Palm Springs, California 92264
Pro Per

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**July 25, 2017**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

July 25, 2017 **9:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- MOTION FOR REQUEST TO PLACE ON COURT CALENDAR FOR PRE-TRIAL CONFERENCE
Court NOTED this is not an appropriate motion and the case will proceed in the ordinary course.

MOTION TO DISQUALIFY OPPOSING COUNSEL
Following arguments by Pro Se Plaintiff, Brent Kideckel and Mr. Rowe on behalf of Defendants, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as it does not meet the qualifications under the applicable statute. Mr. Rowe to prepare the Order.

MOTION TO STRIKE DEFENDANT'S ANSWER TO UNTIMELY RESPONSE
After reviewing the Motion and the Opposition, and having heard the oral arguments by Mr. Kideckel and Mr. Rowe, Court NOTED Plaintiff had not procedurally complied as there was not a properly filed summons and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Rowe to prepare the Order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**August 29, 2017**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

August 29, 2017 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO COMPEL DEFENSE TO PRODUCE DOCUMENTS AND ANSWER INTERROGATORIES
Court stated this case is in Arbitration so this Motion to Compel needs to go before the Arbitrator under Nevada Arbitration Rules, and this Court does not have jurisdiction and it would need to be filed appropriately with the Arbitrator. Accordingly, matter OFF CALENDAR.

MOTION TO REMOVE SECOND DEFENDANT, NIKHEEL PRASAD
There being no opposition and no objection for this Court to hear this matter, COURT ORDERED, Motion to Remove Second Defenant, Nikheel Prasad, is GRANTED as unopposed and since that is dispositive as to that defendant the Court would have jurisdiction to hear that.

MOTION TO REHEAR/REOPEN MOTION TO STRIKE DEFENDANT'S ANSWER...MOTION FOR SUMMARY JUDGMENT
Court noted it could not hear the Motion to Rehear/Reopen Motion to Strike Defendant's Answer or the Motion for Summary Judgment procedurally because there has not been a notice of entry of judgment. Court stated the matter could be moved to a later date unless defendant waives the procedural defect. Mr. Rowe waived and Mr. Kideckel stated he was ready to proceed. Additionally

Court also noted there was a Motion to Quash Subpoena Duces Tecum Ordering Defendant Prasad to Appear at Plaintiff's Motion Hearings that was not put on Calendar because there was no Notice of Hearing filed and advised Mr. Kideckel that it is a discovery issue that would need to be brought before the Arbitrator. Addressing the Motion to Rehear/Reopen Motion to Strike Defendant's Answer, the Court heard oral argument by Mr. Kideckel and Mr. Rowe, COURT ORDERED, Motion to Rehear/Reopen Motion to Strike Defendant's Answer DENIED, stating it does not meet the requirements on a motion for reconsideration and Nevada Supreme Court precedent to hear matters on the merits and weighs in favor of defendant. Addressing the Motion for Summary Judgment, the Court noted there were no points and authorities and defendant requested Rule 56(f) relief and the Court is inclined to grant such relief. Following arguments by Mr. Kideckel and Mr. Rowe, COURT ORDERED, Defendant's Countermotion for NRCP Rule 56(f) Relief is GRANTED and the Motion for Summary Judgment is DENIED WITHOUT PREJUDICE and did not address the merits thereof. Mr. Rowe to prepare the Order pursuant to EDCR 7.21 within ten (10) days.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**October 24, 2017**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

October 24, 2017 **8:45 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Natalie Ortega

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Rowe, Michael E. Attorney

JOURNAL ENTRIES

- Motion for Disqualification of Opposing Counsel Michael Rowe...Motion for Order Shortening Time on Motion for Joinder of Claims and Relief with A-17-757213-C....Motion for Joinder of Claims and Relief with A-17-757213-C

Plaintiff, Brent Kideckel not present.

COURT ORDERED, the Motion for Order Shortening Time on Motion for Joinder of Claims and Relief with A-17-757213-C and the Motion for Joinder of Claims and Relief with A-17-757213-C were MOOT in light of Judge Leavitt's order; therefore, the Court would not hear the matter.

Mr. Rowe noted Mr. Kideckel requested seven hours to depose his client. Further, the rules do not allow seven hours. COURT NOTED, with regards to the deposition discovery matter that was in arbitration, and not before this Court, the Court could not address it, and it must be left with the Arbitration Commissioner. Further, with cases in arbitration, the Court had limited jurisdiction with what it could rule on, and it would not be appropriate for this Court to rule regarding that matter.

As to the Motion for Disqualification of Opposing Counsel Michael Rowe:

Court reviewed the pleadings and noted the absence of Mr. Kideckel. Further, Mr. Kideckel did not make a request to appear telephonically. Additionally, the time was 9:39 a.m., and this was set for 9:00 a.m. hearing, the Court would rule on the pleadings. Court noted it was inclined to deny the motion. Furthermore, the Court reviewed the motion, and the Court took all deference being Mr. Kideckel was Pro Se. Additionally, COURT FINDS, based on the pleadings and the papers presented, the standards for a Motion to Disqualify had not been met. FURTHER, the Court incorporated the opposition as well as the fact that while reviewing the motion, it did not meet the initial standard that the burden would shift to the opposing party. COURT ORDERED, motion DENIED; Defendant to prepare and submit the order; opposing party to review as to form and content. Counsel directed to submit the order to chambers within 10 days from today, pursuant to EDCR 7.21.

CLERK S NOTE: A copy of this Minute Order was mailed to Brent Kideckel, 270 East Flamingo Road Unit 328, Las Vegas, Nevada, 89169. Further, a copy of this minute order was placed in the attorney folder of Michael E. Rowe.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**February 20, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

February 20, 2018 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Miller, Danielle C.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S LYFT, INC. AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT... MOTION TO DISMISS PLAINTIFF'S COMPLAINT...

David Spurlock Esq. present on behalf of Mid-Century Insurance. Brent Kideckel appearing via Court Call.

Ms. Miller argued in support of the Motion to Dismiss, stating the Plaintiff filed a Permissive Joinder, which he thought would bring the Defendants into the case, however it does not and served her clients with the name of her client handwritten in. Ms. Miller argued Plaintiff has no claims against Lyft and Steadfast, noting those claims were dismissed in his first lawsuit in Judge Leavitt's Department, and argued the claims are barred. Mr. Kideckel stated this is the first lawsuit, and indicated he did have loss and incurred medical bills and these Defendants should be a party to the case. COURT STATED ITS FINDINGS and ORDERED, Defendant's Lyft and Steadfast Insurance Company's Motion to Dismiss Plaintiff's Complaint GRANTED WITHOUT PREJUDICE. Upon Court's inquiry, Mr. Spurlock indicated he would submit on the merits of the Motion and it should be viewed as a Joinder to Lyft's and Steadfast's Motion to Dismiss and argued the Plaintiff is filing frivolous Motions. COURT STATED ITS FINDINGS and ORDERED, Motion to Dismiss Mid-Century

Insurance GRANTED WITHOUT PREJUDICE; further ORDERED Plaintiff's Request for Rule 11 Sanctions is DENIED. Court directed Ms. Miller to prepare the Order, circulating to all parties for approval as to form and content in accordance with EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**March 20, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

March 20, 2018	**9:30 AM**	**Discovery Conference**	**COURT CALL - Discovery Conference**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Smith, Karl H.	Attorney

JOURNAL ENTRIES

- Mr. Kideckel addressed this Trial de Novo case based on Deft not abiding to the Arbitration, and moving forward Plaintiff may retain counsel; Mr. Kideckel is open to a Settlement Conference, but Plaintiff has since moved out of state. At the time of accident, Mr. Kideckel was driving for Lyft; Mr. Kideckel has an upcoming court appearance for a Motion for Summary Judgment as Plaintiff did not add Lyft in time, but Plaintiff was operating as a 1099. Mr. Kideckel asked to move forward to Trial. Commissioner advised Mr. Kideckel he must follow the Rules of the Court even though Plaintiff is in Proper Person. COMMISSIONER RECOMMENDED, Mr. Kideckel must file an Individual Case Conference Report or Join in Deft's CCR by 4-20-18, otherwise sanctions will issue including but not limited to striking the pleadings; Status Check SET for Plaintiff to appear if an Individual Case Conference is not filed; Mr. Smith's appearance is Excused. If the ICCR is filed, the Status Check will be taken off calendar. A Self-Help Center is located on the First Floor of the Regional Justice Center. Mr. Smith to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

Mr. Kideckel was open to the dates in Deft's Case Conference Report; Plaintiff is 14 months post-date of loss. Mr. Kideckel confirmed his address is in Palm Springs, California. Commissioner advised Mr. Smith to confirm he has Plaintiff's correct address. Counsel anticipate 2 to 3 days for trial re: Personal injury / vehicle; no Settlement Conference requested; contact Dept. 30 if the parties want a Settlement Conference in the future. COMMISSIONER RECOMMENDED, discovery cutoff is 8-20-18; adding parties, amended pleadings, and initial expert disclosures DUE 5-21-18; rebuttal expert disclosures DUE 6-21-18; file dispositive motions by 9-20-18. Scheduling Order will issue.

5-1-18 9:30 A.M. Status Check: Plaintiff's ICCR / Joinder

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**March 29, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

March 29, 2018 **9:30 AM** **Motion for Summary Judgment**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kristin Duncan

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Smith, Karl H. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Smith advised that he did not have any information regarding Mr. Kideckel's failure to appear for the instant hearing. The Court stated its initial thoughts and inclinations regarding the instant Motion. Mr. Smith agreed with the Court's inclination. COURT ORDERED the instant Motion was hereby DENIED WITHOUT PREJUDICE as to the Motion for Summary Judgment, as well as the request to disqualify Michael Rowe, FINDING the following: (1) that the pleadings did not meet the standards under NRCP 56; and (2) pursuant to the arguments in the Opposition, there were material facts that were in dispute. Mr. Smith to prepare the Order in accordance with EDCR 7.21, and forward it to the Plaintiff for approval as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**May 01, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

May 01, 2018	**9:30 AM**	**Status Check**	**COURT CALL - Status Check: Plaintiff's CCR or Joinder**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT: Kideckel, Brent Plaintiff

JOURNAL ENTRIES

- Plaintiff had up to 4-20-18 to file an Individual Case Conference Report or a Joinder. Mr. Kideckel is no longer in Nevada, it took him over one week to get a copy from Defts, and he has counsel to advise him. Mr. Kideckel is in Proper Person, and the Case Conference Report will be filed shortly. COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Kideckel must get the Case Conference Report on file, and send a file stamped courtesy copy to Discovery. Upon receiving a courtesy copy and a letter from Plaintiff, Commissioner will take the 6-12-18 continuance off calendar.

6-12-18 9:30 a.m. Status Check: Plaintiff's CCR or Joinder to

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**May 10, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

May 10, 2018 **3:00 AM** **Status Check: Compliance**

HEARD BY: Bulla, Bonnie **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The 3-20-18 Report and Recommendation remains outstanding. Mr. Smith was given the responsibility to submit the Report and Recommendation from the 3-20-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK'S NOTE: The above minute order has been distributed to: Brent Kideckel, 1333 S Belardo Rd, Ste #202, Palm Springs, CA 92264; Karl Smith, Esq. (Law Offices of Karl H. Smith); Darrell Dennis, Esq. (Lewis, Brisbois, Bisgaard & Smith, LLP); Michael Rowe, Esq. (UPSON SMITH).

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters **COURT MINUTES** **June 12, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

June 12, 2018 **9:30 AM** **Status Check**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, matter CONTINUED.

7-10-18 9:30 a.m. Status Check: Plaintiff's Case Conference Report or Joinder

CLERK'S NOTE: Plaintiff filed a Case Conference Report on 6-11-18. Continuance is VACATED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**June 14, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

June 14, 2018 **3:00 AM** **Status Check: Compliance**

HEARD BY: Bulla, Bonnie **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The 3-20-18 Report and Recommendation remains outstanding. Mr. Smith was given the responsibility to submit the Report and Recommendation from the 3-20-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**June 14, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

June 14, 2018 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Miller, Danielle C.	Attorney
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- DEFENDANTS PARMENDRA PRASAD AND MID-CENTURY INSURANCE COMPANY'S MOTION TO DISMISS AMENDED COMPLAINT...DEFENDANTS' STEADFAST INSURANCE COMPANY AND LIFT, INC.'S JOINDER TO MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Pro Se Plaintiff Brent Kideckel appeared by Court Call.

Court noted that plaintiff did not file an opposition and advised Mr. Kideckel that if no opposition is filed, that the Court can view the motion as unopposed and grant the motion pursuant to EDCR 2.20. Mr. Kideckel requested the matter be continued to give him the opportunity to file written opposition. Ms. Miller indicated that Lyft was served yesterday. Mr. Rowe argued that there was another case for bad faith in a different department; improper joinder of additional defendants already adjudicated; and the amended complaint should be dismissed. Mr. Kideckel indicated that the additional defendants were not added for bad faith but for personal injury. Ms. Miller indicated that the amended complaint was procedurally improper and that Mr. Kideckel has been improperly sending emails to her office. The Court reminded all parties that e-service is the manner in which the

parties communicate regarding the pleadings and if there are any issues that someone is engaging in inappropriate conduct, the Court would need a written motion to address the issue. Following colloquy regarding all pending motions and briefing schedule and upon agreement of all parties, COURT ORDERED, Motions CONTINUED; Plaintiff's Opposition DUE June 21, 2018; Defendants' Replies DUE June 28, 2018; and briefs to be filed, served and courtesy copied to the Court by the due dates. COURT FURTHER ORDERED, Motion for Service by Publication and Sanctions Against Michael Roe, Attorney for Defendant Prasad previously set for June 19, 2018, RESET to July 17, 2018 at 8:45 a.m.

CONTINUED TO: 7/17/18 8:45 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**July 17, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

July 17, 2018 **8:45 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Miller, Danielle C.	Attorney
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SERVICE BY PUBLICATION AND SANCTIONS AGAINST MICHAEL ROWE, ATTORNEY FOR DEFENDANT PRASAD...DEFENDANTS PAMENDRA PRASAD AND MID-CENTURY INSURANCE COMPANY'S MOTION TO DISMISS AMENDED COMPLAINT...DEFENDANTS STEADFAST INSURANCE COMPANY AND LYFT, INC'S JOINDER TO MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

The Court noted that the Pro Se Plaintiff was not present; that there was no request to continue; and no request to appear via Court Call. Upon the Court's inquiry, counsel indicated there was no reason the Court could not proceed with hearing the Motion to Dismiss Plaintiff's Amended Complaint and the Joinder thereto. Mr. Rowe indicated that the Amended Complaint is as to Lyft only; that in addition to not requesting leave from the Court or a stipulation by the parties, the issues addressed in the Amended Complaint have already been adjudicated in this department as well as in Department 12. Ms. Miller joined Mr. Rowe's arguments. While the Court noted plaintiff had filed additional motions not set for hearing today, including a Motion for Leave to Amend Complaint, that the Court was not taking any position on the Motion for Leave to Amend Complaint as it was not before the Court; that the Court is only addressing the Amended Complaint filed April 27, 2018. COURT FINDS the Amended Complaint filed April 27, 2018, was filed without leave of Court or stipulation

of the parties, is considered a rogue document prohibited by the rules and ORDERED, Amended Complaint filed April 27, 2018 STRICKEN as a rogue document and Motion to Dismiss Amended Complaint and Joinder both GRANTED WITHOUT PREJUDICE from a procedural standpoint. The Court DIRECTED counsel to submit the Order pursuant to EDCR 7.21.

Ms. Miller stated that plaintiff continues to send emails directly to her client and other attorneys in the firm and indicated absent an order from the Court, that he would continue to do so. The Court indicated it would review any filings counsel deems appropriate.

CLERK'S NOTE: Plaintiff's Motion for Service by Publication and Sanctions Against Michael Rowe, Attorney for Defendant Prasad was taken off calendar, due to plaintiff's non-appearance, and will require renoticing if plaintiff wishes the matter to be heard. (7/17/18; tmj)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**July 24, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

July 24, 2018 **9:00 AM** **Motion to Compel**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Denise Husted

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Miller, Danielle C. Attorney

JOURNAL ENTRIES

- Danielle Miller appearing via Court Call. Plaintiff Brent Kideckel not present, nor did he request to be heard via Court Call. COURT ORDERED, the Motion to Produce is more properly before the Discovery Commissioner and is therefore DENIED WITHOUT PREJUDICE. FURTHER, Motion for Sanctions is DENIED as there is no sufficient basis to granted. Ms. Miller to prepare the order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**July 31, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

July 31, 2018 **10:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Miller, Danielle C.	Attorney
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO DISQUALIFY DANIELLE MILLER...PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT...PLAINTIFF'S MOTION TO EXTEND DISCOVERY...PLAINTIFF'S MOTION TO COMPEL PARMENDRA PRASAD

Ms. Miller indicated that since the filing of Plaintiff's Motion to Disqualify Danielle Miller, her client has since been dismissed. The Court does not find a disqulification would be appropriate with the current posture of this case. Following representations by Mr. Kideckel, the Court clarified that the Motion to Disqualied is being withdrawn without prejudice. Accordingly, COURT ORDERED, matter OFF CALENDAR as withdrawn.

The Court stated that it received an Order from the July 17, 2018 hearing granting Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to NRCP 15A Only which the Court did not sign because it was not a proper order, i.e. it was not circulated to the parties nor did it state the reasons why the Court granted the motion. After confirming with Mr. Kideckel and Ms. Miller that they had not see the order, original Order RETURNED IN OPEN COURT to Mr. Rowe. Court further

noted that because the Order has not been signed, there is now a procedural issue with hearing the matters scheduled for today. Colloquy regarding whether the parties wished to have the oral order granting Defendant's Motion to Dismiss treated as if it were a written statement with notice of entry thereof and move forward with the pending motion. Mr. Kideckel indicated he would request an opportunity to review the Order. Ms. Miller requested that the matters be heard today. Court stated the matters cannot proceed today when plaintiff has not had the opportunity to review the Order and approve as to form and content. COURT ORDERED, matters CONTINUED; the Court directed Mr. Rowe to circulate the draft order in accordance with EDCR 7.21.

CONTINUED TO: 8/9/18 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**August 09, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

August 09, 2018 **8:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Keri Cromer

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Miller, Danielle C.	Attorney
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO EXTEND DISCOVERY...PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

Order for Motion to Dismiss SIGNED IN OPEN COURT. Plaintiff advised he was withdrawing the Motion to Extend Discovery. Arguments by counsel and Plaintiff regarding the merits of the Motion for Leave to Amend. Court stated its findings and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Rowe to prepare the Order and circulate it to the parties for review as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**August 15, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

August 15, 2018	**9:30 AM**	**Motion to Compel**	**Plaintiff's Motion to Compel Parmendra Prasad and Lyft Inc.**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- Trial date is 11-19-18, and discovery cutoff is 8-20-18. Mr. Kideckel originally filed the Motion in the wrong venue, and the Motion was Dismissed. Mr. Kideckel resides in Palm Springs, California. Argument by Mr. Kideckel; both sides agreed to continue discovery, and Judge Cadish agreed if it doesn't impact the Trial date. COMMISSIONER RECOMMENDED, motion is GRANTED; discovery cutoff EXTENDED to 9-28-18; dispositive motion deadline STANDS. Mr. Rowe requested dates of availability. Mr. Kideckel requested to complete Mr. Prasad's deposition. Mr. Kideckel stated the Jewish holidays are upcoming. COMMISSIONER RECOMMENDED, complete Mr. Prasad's deposition by 9-28-18. Commissioner stated Lyft is a non-party, they must be Subpoenaed under Rule 45, and they were not served with the Motion. Mr. Kideckel will re-Subpoena them. Mr. Kideckel was hoping to file a Motion to Amend on OST. Commissioner stated Mr. Kideckel can take the deposition of a Lyft Representative under Rule 30(b)(6) upon proper service of a Subpoena.

COMMISSIONER RECOMMENDED, complete deposition by 9-28-18. Mr. Kideckel cannot have sanctions as he is in Proper Person. The Self Help Center is located on the First Floor, and they have

the Report and Recommendation form. COMMISSIONER RECOMMENDED, no fees or costs. Mr. Rowe and his client agreed to two hours for deposition. Unless Mr. Rowe has an Order from the Court getting protection and that is not before Commissioner today, Mr. Rowe must follow the Rules of the Court. The Rule allows seven hours. Commissioner confirmed Mr. Kideckel will pay for the Court Reporter. Mr. Kideckel to prepare the Report and Recommendations, and Mr. Rowe to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. The Report and Recommendation becomes an Order when the Judge signs it.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**August 28, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

August 28, 2018 **9:00 AM** **Motion to Amend Complaint**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Keri Cromer

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- Court expressed its inclinations. Mr. Kideckel advised he amended the original Complaint. Court advised it was a substituted Complaint, which was different. Arguments by Mr. Rowe in opposition to the Motion. Mr. Kideckel advised he had to withdraw his Motion. COURT ORDERED, Motion WITHDRAWN; 9/20/2018 Motion for Leave to Amend Complaint VACATED.

CLERK'S NOTE: The above Minute Order was completed by listening to a JAVS recording of the proceedings. kc//10-23-18

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**August 29, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

August 29, 2018	**9:30 AM**	**Motion for Protective Order**	**Non-Party Lyft Inc's Motion for Protective Order on OST**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT: Miller, Danielle C. Attorney

JOURNAL ENTRIES

- Ms. Miller stated Plaintiff served a Notice to Vacate the deposition, and there is still an issue on documents he requested. COMMISSIONER RECOMMENDED, motion is GRANTED; areas of protection are 1) Driver data for Las Vegas, Nevada; 2) records for Lyft Driver in this case are limited to date of accident on 2-19-17. Ms. Miller represented that Mr. Prasad is a Tort Feaser, and he isn't a Lyft Driver. Commissioner asked Ms. Miller to indicate that in a response (Lyft cannot produce what they don't have). COMMISSIONER RECOMMENDED, protected area is 3) passenger information of those on board during his driving. Commissioner GRANTED PROTECTION on the Subpoena, and Subpoena is QUASHED related to Lyft, Inc.; Lyft, Inc. is PROTECTED from responding to the Subpoena based on the representation that Deft driver, Tort Feaser is not a Lyft driver and records are not related to this litigation. Ms. Miller to prepare the Report and Recommendations, and Mr. Kideckel and Defense counsel to approve as to form and content. A proper report must be timely submitted within 30 days of the hearing. Otherwise, counsel will pay a contribution. If signatures cannot be obtained, Ms. Miller can send a letter to Commissioner with the DCRR re: her efforts, and submit DCRR to comply with the deadline.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**September 06, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

September 06, 2018 9:00 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Rowe, Michael E. Attorney

JOURNAL ENTRIES

- STATUS CHECK...DEFENDANT'S MOTION FOR SETTLEMENT CONFERENCE

Court noted pro se plaintiff, Brent Kideckel, not present and there was no request for Court Call. The Court acknowledged receipt of plaintiff's opposition; the Court will address the motion on its merits; and stated its inclination to grant the motion. Mr. Rowe submitted on the pleadings. COURT ORDERED, Defendant's Motion for Settlement Conference GRANTED, the parties are to participate in a Mandatory Settlement Conference. Mr. Rowe to prepare the Order in accordance with EDCR 7.21, circulating to all parties, or any non-party requesting same, for approval as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**September 28, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

September 28, 2018	**9:30 AM**	**Motion**	**Plaintiff's Motion for Sanctions Against Defendant Parmendra Prasad and Attorneys Michael Rowe and Karl Smith**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

Kideckel, Brent	Plaintiff
Rowe, Michael E.	Attorney

JOURNAL ENTRIES

- Commissioner stated there was a failure to produce discovery responses timely, but they were produced ten days after they were due. Mr. Rowe agreed. Mr. Kideckel stated the discovery is the same answers he received one year ago through Arbitration. Arguments by Mr. Kideckel and Mr. Rowe. Mr. Rowe stated Deft accepted liability. Following Mr. Rowe's argument, Commissioner stated the Plaintiff's Motion for Leave to Amend is set before Judge Kishner. If the Motion is Granted without a Hearing, then Mr. Kideckel must bring a Motion to Extend Discovery and Trial before Judge Kishner. Otherwise, Plaintiff and Defense counsel can work together on a Stipulation and Order to extend the deadlines. Although the Motion is well founded, COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE; no sanctions today, and no fees and costs to a Proper Person party. If the discovery is not sufficient, Plaintiff must have a 2.34 conference with Defense counsel, and Mr. Rowe has an opportunity to respond. If issues cannot be resolved, Mr.

Kideckel can bring a Motion to Commissioner's attention. Mr. Rowe to prepare the Report and Recommendations, and Mr. Kideckel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**October 11, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

October 11, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Rowe, Michael E. Attorney

JOURNAL ENTRIES

- The Court noted that the pro se plaintiff, Brent Kideckel requested and was approved to appear by Court Call. The Court dialed into Court Call for the duration of the hearing however Mr. Kideckel was not present in Court or on Court Call. Upon the Court's inquiry, Mr. Rowe indicated he has had no communication with plaintiff.

DEFENDANT'S MOTION TO CONTINUE TRIAL
Court stated its inclination to grant Defendant's Motion to Continue Trial in light of Plaintiff's Motion for Leave to Amend Complaint. Colloquy regarding trial setting. COURT ORDERED, Trial Dates VACATED and RESET.

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT
Mr. Rowe argued in opposition to Plaintiff's Motion for Leave to Amend Complaint stating it was beyond the time to add new parties. The Court noting the Rule 15 standards, with the trial having been continued, and prejudice being a non-issue, COURT ORDERED Plaintiff's Motion for Leave to Amend Complaint GRANTED over the objection of defendant; Plaintiff will have 20 days from Notice of Entry of the Order to file the Amended Complaint. Mr. Rowe to prepare the Order on both motions pursuant to EDCR 7.21.

2/14/19 10:15 AM PRE TRIAL CONFERENCE

3/12/19 9:00 AM CALENDAR CALL

3/18/19 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**October 18, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

October 18, 2018 **3:00 AM** **Status Check: Compliance**

HEARD BY: Bulla, Bonnie **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The 8-15-18 Report and Recommendation remains outstanding. Mr. Kideckel was given the responsibility to submit the Report and Recommendation from the 8-15-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**November 29, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

November 29, 2018 3:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The 8-15-18 Report and Recommendation remains outstanding. Mr. Kideckel was given the responsibility to submit the Report and Recommendation from the 8-15-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

The 9-28-18 Report and Recommendation remains outstanding. Mr. Rowe was given the responsibility to submit the Report and Recommendation from the 9-28-18 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters	**COURT MINUTES**	**December 11, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

December 11, 2018	**9:30 AM**	**Motion to Dismiss**	**Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Rowe, Michael E. Attorney

JOURNAL ENTRIES

- The Court noting Pro Se Plaintiff was not present, that there was no request to appear telephonically, and inquired if Mr. Rowe had any contact with plaintiff. Mr. Rowe indicated he has had no contact with Mr. Kideckel since the filing of the Amended Complaint and requested that the Amended Complaint be dismissed with prejudice. There being no opposition, COURT ORDERED Defendant Mid-Century Insurance Company's Motion to Dismiss Amended Complaint GRANTED pursuant to EDCR 2.20 and the Court being cognizant of Exhibit A, the Order of Department 12, filed October 31, 2017; and DIRECTED Mr. Rowe to prepare the Order in accordance with EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters **COURT MINUTES** **December 18, 2018**

A-17-755053-C Brent Kideckel, Plaintiff(s)
vs.
Parmendra Prasad, Defendant(s)

December 18, 2018 9:30 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Miller, Danielle C. Attorney

JOURNAL ENTRIES

- Court noted no opposition was received and inquired if there were any requests were made. Ms. Miller stated she had not heard from opposing counsel. COURT ORDERED, Motion GRANTED pursuant to EDCR 2.20 and on the merits. Court directed Ms. Miller to prepare, circulate, and submit the Order.

CLERK'S NOTE: Minutes completed using JAVS by Court Clerk Elizabeth Vargas. //ev 12/28/18

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

BRENT KIDECKEL
1333 S. BELARDO RD., STE 202
PALM SPRINGS, CA 92264

DATE: January 22, 2019
CASE: A-17-755053-C

RE CASE: BRENT KIDECKEL vs. PARMENDRA PRASAD; LYFT, INC.; STEADFAST INSURANCE

NOTICE OF APPEAL FILED: January 17, 2019

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

☐ 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 (e) 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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC. AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DEFENDANTS LYFT, INC., AND STEADFAST INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

BRENT KIDECKEL,

Plaintiff(s),

vs.

PARMENDRA PRASAD; LYFT, INC.; STEADFAST INSURANCE,

Defendant(s),

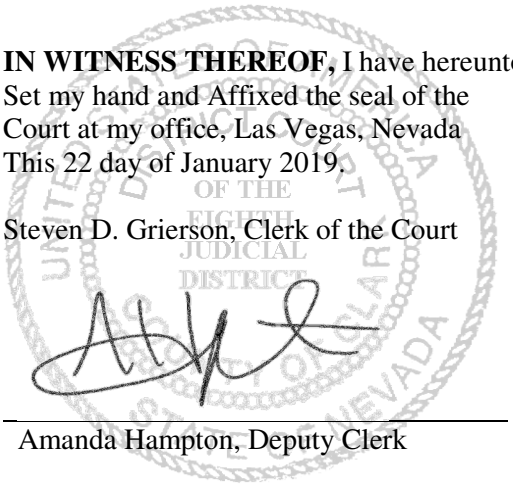
Case No: A-17-755053-C

Dept No: XXXI

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 22 day of January 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk