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CLERK OF THE COURT

NOAS

BEAU STERLING
Nevada Bar No. 6833
STERLING LAW, LLC
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Phone: (702) 583-3333
Email: bsterling@sterlinglaw.com
Attorneys for Defendants

Electronically Filed
Mar 24 2015 03:10 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual, and PLANE REALTY, LLC, a Nevada limited liability company.

Defendants.

Case No. A-12-672122-C
Dept. No. 21

NOTICE OF APPEAL

TO THE COURT AND ALL INTERESTED PARTIES:

All defendants, by and through their attorneys Beau Sterling and STERLING LAW LLC, hereby appeal to the Nevada Supreme Court from the Court's final Order Denying Motion for Relief from Judgment entered February 13, 2015 (Exh. "A" hereto), and all rulings made appealable thereby.

Dated: March 19, 2015.

STERLING LAW LLC

/s/ Beau Sterling

BEAU STERLING
Nevada Bar No. 6833
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
(702) 583-3333 (phone)
(702) 583-3330 (e-fax)
bsterling@sterlinglaw.com

Attorneys for Defendants

STERLING LAW
APPELLATE ATTORNEYS

[Exhibit A]

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CLERK OF THE COURT

NEOJ
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
LAW OFFICES OF RHONDA L. MUSHKIN, CHTD.
4475 S. Pecos Road
Las Vegas, Nevada 89121
702-474-2400 Telephone
702-474-4176 Fax
Rhonda@Mushlaw.net
Beth@Mushlaw.net
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

*****

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual; PLANE REALTY, LLC, a Nevada limited liability company; DOE individuals I through X; ROE corporations I through X,

Defendants.

Case No.: A-12-672122-C
Dept. No.: XXXI

Date of Hearing: January 26, 2015
Time of Hearing: 9:00 am

NOTICE OF ENTRY OF ORDER

TO: All Interested Parties:

YOU WILL PLEASE TAKE NOTICE that an Order was entered on the 13th day of February 2015, and filed with the Clerk. A true and correct copy of said Order is attached hereto

/ / /

/ / /

/ / /

and made a part hereof as Exhibit "1".

DATED this 17 day of February 2015.

RHONDA L. MUSHKIN, CHARTERED

By: _____
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #002760
BETH L. ROSENBLUM, ESQ.
Nevada Bar #009672
4475 S. Pecos Road
Las Vegas, Nevada 89121
Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 17 day of February 2015, I deposited a true and accurate copy of the foregoing ***NOTICE OF ENTRY OF ORDER***, via U.S. mailing first-class, postage prepaid to them at the following address:

Bean Sterling, Esq.
STERLING LAW, LLC
228 South 4TH Street, 1st Floor
Las Vegas, NV 89101
Attorney for Defendants

_____
An employee of RHONDA L. MUSHKIN, CHTD.

EXHIBIT 1

ORIGINAL

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CLERK OF THE COURT

ODM
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
LAW OFFICES OF RHONDA L. MUSHKIN, CHTD.
4475 S. Pecos Road
Las Vegas, Nevada 89121
702-474-2400 Telephone
702-474-4176 Fax
Rhonda@MushLaw.net
Beth@MushLaw.net
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual; PLANE REALTY, LLC, a Nevada limited liability company; DOE individuals I through X; ROE corporations I through X,

Defendants.

Case No.: A-12-672122-C
Dept. No.: XXXI

Date of Hearing: January 26, 2015
Time of Hearing: 9:00 am

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

At the motion hearing on Defendant's Motion for Relief from Judgment, filed December 23, 2014, Rhonda L. Mushkin, Esq. appearing for Plaintiff May B. Mushkin Trust; Beau Sterling, Esq. appearing for Defendant Victor Scotto, Plaintiff having filed their opposition and no reply thereafter filed, and this Court having considered the testimony and exhibits, as well as the pleadings on file on behalf of all parties and having heard the arguments of counsel at the motion hearing; this Court further makes the following Findings of Fact and enters its Order as follows:

1. The underlying facts of the case are unambiguous, as both the Promissory Notes and Guaranty Agreements are clear and unambiguous on their face and valid and enforceable as found at the hearing on May 20, 2014.

TL31

2. There does not exist an appropriate basis in fact or law to grant the requested relief.

The Court having further made its Findings of Fact and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Relief from Judgment is **DENIED**.

DATED this 11th day of February, 2015

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Submitted by:
RHONDA L. MUSHKIN, CHTD.

RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH L. ROSENBLUM, ESQ.
Nevada Bar #9672
4475 S. Pecos Road
Las Vegas, Nevada 89121
Attorney for Plaintiff

Approved as to Form:
STERLING LAW, LLC

BEAU STERLING, ESQ.
Nevada Bar No. 6833
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephone: 702-583-3333
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this date, March 19, 2015, I submitted the foregoing **Notice of Appeal** for filing and service via the Court's electronic filing system. Master Service List:

Rhonda L. Mushkin, Chartered

Contact	Email
Adam Britt	adam@mushlaw.net

Sterling Law LLC

Contact	Email
Beau Sterling, Esq.	bsterling@sterlinglaw.com

/s/ Beau Sterling

BEAU STERLING

STERLING LAW
APPELLATE ATTORNEYS

Electronically Filed
03/19/2015 04:02:58 PM

CLERK OF THE COURT

ASTA
BEAU STERLING
Nevada Bar No. 6833
STERLING LAW, LLC
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Phone: (702) 583-3333
Email: bsterling@sterlinglaw.com
Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual, and PLANE REALTY, LLC, a Nevada limited liability company.

Defendants.

Case No. A-12-672122-C
Dept. No. 21

CASE APPEAL STATEMENT

STERLING LAW
APPELLATE ATTORNEYS

1. Name of appellants filing this case appeal statement:

VICTOR SCOTTO, an individual, and PLANE REALTY, LLC, a Nevada limited liability company (all defendants).

2. Judge issuing the decision, judgment, or order appealed from:

The Honorable Judge Joanna S. Kishner; Eighth Judicial District Court, Clark County

3. Counsel for Appellants:

Parties: VICTOR SCOTTO; PLANE REALTY, LLC

Counsel: Beau Sterling
Sterling Law LLC
228 S 4th Street, First Floor
Las Vegas, NV 89101

Telephone: (702) 583-3333
Facsimile: (702) 583-3330
Email: bsterling@sterlinglaw.com

4. Counsel for Respondent:

Party: MAY B. MUSHKIN REVOCABLE TRUST

Counsel:

Rhonda L. Mushkin
Law Offices of Rhonda L. Mushkin, CHTD
4475 S. Pecos Road
Las Vegas, Nevada 89121

Telephone: 702-474-2400
Facsimile: 702-474-4176
Email: Rhonda@Mushlaw.net

(trial counsel)

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

Not applicable.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

All counsel are retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

All counsel are retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Not applicable.

. . . .

. . . .

STERLING LAW
APPELLATE ATTORNEYS

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

11/16/2012 Complaint

12/23/2014 Motion for Relief From Judgment

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

This is an appeal from a final post-judgment order denying a motion for relief from judgment pursuant to NRCP 60(b) and related relief. The underlying judgment is for money damages in a breach of contract action and enforcement of a personal guarantee.

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

None.

12. Indicate whether this appeal involves child custody or visitation:

This appeal **DOES NOT** involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This appeal **DOES** involve the possibility of settlement.

. . . .

. . . .

. . . .

. . . .

STERLING LAW
APPELLATE ATTORNEYS

Dated: March 19, 2015.

STERLING LAW LLC

/s/ Beau Sterling

BEAU STERLING
Nevada Bar No. 6833
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
(702) 583-3333 (phone)
(702) 583-3330 (e-fax)
bsterling@sterlinglaw.com

Attorneys for Defendants

STERLING LAW
APPELLATE ATTORNEYS

CERTIFICATE OF SERVICE

I hereby certify that on this date, March 19, 2015, I submitted the foregoing **Case Appeal Statement** for filing and service via the Court's electronic filing system. Master Service List:

Rhonda L. Mushkin, Chartered

Contact	Email
Adam Britt	adam@mushlaw.net

Sterling Law LLC

Contact	Email
Beau Sterling, Esq.	bsterling@sterlinglaw.com

/s/ Beau Sterling

BEAU STERLING

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-12-672122-C

May B Mushkin Revocable Trust, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Victor Scotto, Defendant(s)	§	Filed on:	**11/16/2012**
	§	Cross-Reference Case Number:	**A672122**

CASE INFORMATION

Statistical Closures
06/20/2014 Summary Judgment

Case Type: **Breach of Contract**
Subtype: **Guarantee**

Case Flags: **Appealed to Supreme Court**
Automatically Exempt from Arbitration

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-12-672122-C
Court	Department 31
Date Assigned	11/16/2012
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**May B Mushkin Revocable Trust**	**Mushkin, Rhonda L, ESQ** *Retained* 702-474-2400(W)
Defendant	**Plane Realty LLC**	**Sterling, Beau** *Retained* 7022402499(W)
	Scotto, Victor	**Sterling, Beau** *Retained* 7022402499(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
11/16/2012	Complaint Filed By: Plaintiff May B Mushkin Revocable Trust *Complaint*	
11/16/2012	Initial Appearance Fee Disclosure Filed By: Plaintiff May B Mushkin Revocable Trust *Initial Appearance Fee Disclosure*	
11/16/2012	Case Opened	
01/15/2013	Summons Issued Party: Defendant Scotto, Victor *Summons -Civil*	
01/15/2013	Affidavit of Service Filed By: Plaintiff May B Mushkin Revocable Trust Party Served: Defendant Scotto, Victor *Affidavit of Service - Victor Scotto*	

04/30/2013	Three Day Notice of Intent to Default Filed by: Plaintiff May B Mushkin Revocable Trust *Notice of Intent to Take Default*
05/16/2013	Initial Appearance Fee Disclosure Filed By: Defendant Scotto, Victor *Initial Appearance Fee Disclosure*
05/16/2013	Answer to Complaint Filed by: Defendant Scotto, Victor *Answer and Affirmative Defenses of Defendants Victor Scotto and Plane Realty, LLC*
01/02/2014	Joint Case Conference Report Filed By: Plaintiff May B Mushkin Revocable Trust *Joint Case Conference Report*
01/07/2014	Scheduling Order *Scheduling Order*
01/31/2014	Order Setting Civil Non-Jury Trial *Order Setting Civil Non-Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check*
02/26/2014	Motion to Withdraw As Counsel Filed By: Defendant Scotto, Victor *Motion to Withdraw As Counsel of Record*
02/27/2014	Certificate of Mailing Filed By: Defendant Scotto, Victor *Certificate of Mailing*
04/04/2014	**Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) *R. Vaughn Gourley's Motion to Withdraw As Counsel of Record*
04/09/2014	Order to Withdraw as Attorney of Record Filed by: Defendant Scotto, Victor *Order to Withdraw as Counsel of Record*
04/11/2014	Amended Order Filed By: Defendant Scotto, Victor *Amended Order to Withdraw as Counsel of Record*
04/15/2014	Notice of Entry of Order *Notice of Entry of Order*
04/17/2014	Certificate of Mailing Filed By: Plaintiff May B Mushkin Revocable Trust *Certificate of Service*
04/17/2014	Motion for Summary Judgment Filed By: Plaintiff May B Mushkin Revocable Trust *Plaintiff's Motion for Summary Judgment*
04/18/2014	*CANCELED* **Status Check** (3:00 AM) **(Judicial Officer: Kishner, Joanna S.)**

Vacated - per Order
Status Check: Order 4/4/14

04/29/2014 Substitution of Attorney
Filed by: Defendant Scotto, Victor
Substitution of Attorneys

05/01/2014 Opposition to Motion For Summary Judgment
Filed By: Defendant Scotto, Victor
Defendants'Opposition to Plaintiff's Motion For Summary Judgment

05/01/2014 **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Status Check: Corporate Counsel

05/02/2014 Motion
Filed By: Defendant Scotto, Victor
Motion for Leave of Court to File Third Party Complaint

05/08/2014 Certificate of Mailing
Filed By: Defendant Scotto, Victor
Certificate of Mailing

05/12/2014 Reply
Filed by: Plaintiff May B Mushkin Revocable Trust
Reply in Support of Plaintiff's Motion for Summary Judgment

05/20/2014 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 04/17/2014 Motion for Summary Judgment
Plaintiff's Motion for Summary Judgment

06/02/2014 Stipulation and Order
Filed by: Defendant Scotto, Victor
Stipulation and Order Vacating Hearing on Defendants' Motion for Leave to File Third Party Complaint

06/03/2014 Notice of Entry of Order
Filed By: Defendant Scotto, Victor
Notice of Entry of Order

06/03/2014 *CANCELED* **Motion for Leave** (9:00 AM) **(Judicial Officer: Kishner, Joanna S.)**
Vacated - per Stipulation and Order
Motion for Leave of Court to File Third Party Complaint

06/03/2014 Declaration
Filed By: Plaintiff May B Mushkin Revocable Trust
Declaration in Support of Plaintiff's Attorneys' Fees and Costs

06/03/2014 Supplement
Filed by: Plaintiff May B Mushkin Revocable Trust
Plaintiff Supplement to Declaration in Support of Attorney's Fees and Costs

06/05/2014 Opposition
Filed By: Defendant Scotto, Victor
Defendants' Opposition/Objections to Plaintiff's Declaration in Support pf Plaintiff's Attorney's Fees and Costs; Opposition/Objections to Plaintiff's Supplement to Declaration in

Support of Attorney's Fees and Costs; Opposition/Objections to Plaintiff's Memorandum of costs and Disursements; Defendants' Motion to Retax Costs and Fees

06/05/2014 Notice of Hearing

06/06/2014 **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
Status Check: Order 5/20/14

06/06/2014 Notice of Change of Hearing

06/09/2014 Certificate of Mailing
Filed By: Defendant Scotto, Victor
Certificate of Mailing

06/10/2014 Reply in Support
Filed By: Plaintiff May B Mushkin Revocable Trust
Reply in Support of Supplemental Declaration for Attorney's Fees and Costs

06/12/2014 **Motion to Retax** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Opposition to Plaintiffs' Motion to Compel Defendants Fontainebleau Resorts, LLC and Turnberry West Construction, Inc. to Provide Complete Responses to Plaintiffs' Requests for Production of Documents, Consistent with the February 5, 2014 Report and Recommendation of the Special Master and Countermotion for a Protective Order

06/20/2014 *CANCELED* **Decision** (3:00 AM) **(Judicial Officer: Kishner, Joanna S.)**
Vacated - per Order
Decision: Fees & Costs

06/20/2014 Findings of Fact, Conclusions of Law and Judgment
Filed by: Plaintiff May B Mushkin Revocable Trust
Findings of Fact, Conclusions of Law and Judgment

06/20/2014 **Judgment Plus Interest** (Judicial Officer: Kishner, Joanna S.)
Debtors: Victor Scotto (Defendant), Plane Realty LLC (Defendant)
Creditors: May B Mushkin Revocable Trust (Plaintiff)
Judgment: 06/20/2014, Docketed: 06/27/2014
Total Judgment: 650,100.00

06/20/2014 **Judgment Plus Interest** (Judicial Officer: Kishner, Joanna S.)
Debtors: Plane Realty LLC (Defendant)
Creditors: May B Mushkin Revocable Trust (Plaintiff)
Judgment: 06/20/2014, Docketed: 06/27/2014
Total Judgment: 15,925.00

06/20/2014 Notice of Entry of Order
Filed By: Plaintiff May B Mushkin Revocable Trust
Notice of Entry of Order

07/15/2014 *CANCELED* **Status Check** (9:00 AM) **(Judicial Officer: Kishner, Joanna S.)**
Vacated - Case Closed

07/16/2014 Notice of Withdrawal
Filed By: Defendant Scotto, Victor
Notice of Withdrawal

07/22/2014 Certificate of Mailing

	Filed By: Defendant Scotto, Victor *Certificate of Mailing*
08/14/2014	*CANCELED* **Pre Trial Conference** (10:15 AM) **(Judicial Officer: Kishner, Joanna S.)** *Vacated - Case Closed*
09/09/2014	*CANCELED* **Calendar Call** (9:00 AM) **(Judicial Officer: Kishner, Joanna S.)** *Vacated - Case Closed*
09/15/2014	*CANCELED* **Bench Trial** (10:00 AM) **(Judicial Officer: Kishner, Joanna S.)** *Vacated - Case Closed*
12/23/2014	Motion to Vacate Filed By: Defendant Scotto, Victor *Motion for Relief From Judgment*
12/23/2014	Notice of Association of Counsel Filed By: Defendant Scotto, Victor *Notice of Association of Counsel for Defendants*
01/08/2015	Opposition Filed By: Plaintiff May B Mushkin Revocable Trust *Plaintiff's Opposition to Defendant's Motion for Relief from Judgment*
01/27/2015	**Motion for Relief** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendants' Motion for Relief from Judgment*
02/13/2015	*CANCELED* **Status Check** (3:00 AM) **(Judicial Officer: Kishner, Joanna S.)** *Vacated - per Order* *Status Check: Order 1/27/15*
02/13/2015	Order Denying Motion Filed By: Plaintiff May B Mushkin Revocable Trust *Order Denying Motion for Relief from Judgment*
02/17/2015	Notice of Entry of Order Filed By: Plaintiff May B Mushkin Revocable Trust *Notice of Entry of Order*
03/19/2015	Notice of Appeal Filed By: Defendant Scotto, Victor *Notice of Appeal*
03/19/2015	Case Appeal Statement Filed By: Defendant Scotto, Victor *Case Appeal Statement*

DATE	FINANCIAL INFORMATION	
	Defendant Plane Realty LLC	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 3/23/2015	**0.00**
	Defendant Scotto, Victor	
	Total Charges	247.00
	Total Payments and Credits	247.00
	Balance Due as of 3/23/2015	**0.00**

CASE SUMMARY

CASE NO. A-12-672122-C

Plaintiff May B Mushkin Revocable Trust	
Total Charges	529.00
Total Payments and Credits	529.00
Balance Due as of 3/23/2015	**0.00**

A-12-672122-C
XXXI

CIVIL COVER SHEET

Clark County, Nevada

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

I. Party Information

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone): VICTOR SCOTTO, an individual;
MAY B. MUSHKIN REVOCABLE TRUST	PLANE REALTY, LLC, a Nevada limited liability company;
Attorney (name/address/phone):	Attorney (name/address/phone):
RHONDA L. MUSHKIN, ESQ, NV Bar #2760 4475 S Pecos Rd. Las Vegas, NV 89121 702-474-2400	

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ **Arbitration Requested**

Civil Cases

Real Property

- ☐ **Landlord/Tenant**
  - ☐ Unlawful Detainer
- ☐ **Title to Property**
  - ☐ Foreclosure
  - ☐ Liens
  - ☐ Quiet Title
  - ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
  - ☐ Partition
  - ☐ Planning/Zoning

Torts

Negligence
- ☐ **Negligence – Auto**
- ☐ **Negligence – Medical/Dental**
- ☐ **Negligence – Premises Liability** (Slip/Fall)
- ☐ **Negligence – Other**

- ☐ **Product Liability**
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair Competition

Probate

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
  - ☐ Individual Trustee
  - ☐ Corporate Trustee
- ☐ **Other Probate**

Other Civil Filing Types

- ☐ **Construction Defect**
  - ☐ Chapter 40
  - ☐ General
- ☒ **Breach of Contract**
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Acct/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☒ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☐ Worker's Compensation Appeal

- ☐ **Appeal from Lower Court** *(also check applicable civil case box)*
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
  - ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment – Civil
  - ☐ Other Personal Property
  - ☐ Recovery of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

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

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

November 15, 2012
Date

Rhonda Mushkin
Signature of initiating party or representative

ORIGINAL

ODM
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
LAW OFFICES OF RHONDA L. MUSHKIN, CHTD.
4475 S. Pecos Road
Las Vegas, Nevada 89121
702-474-2400 Telephone
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Rhonda@MushLaw.net
Beth@MushLaw.net
Attorneys for Plaintiff

Electronically Filed
02/13/2015 02:25:36 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual; PLANE REALTY, LLC, a Nevada limited liability company; DOE individuals I through X; ROE corporations I through X,

Defendants.

Case No.: A-12-672122-C
Dept. No.: XXXI

Date of Hearing: January 26, 2015
Time of Hearing: 9:00 am

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

At the motion hearing on Defendant's Motion for Relief from Judgment, filed December 23, 2014, Rhonda L. Mushkin, Esq. appearing for Plaintiff May B. Mushkin Trust; Beau Sterling, Esq. appearing for Defendant Victor Scotto, Plaintiff having filed their opposition and no reply thereafter filed, and this Court having considered the testimony and exhibits, as well as the pleadings on file on behalf of all parties and having heard the arguments of counsel at the motion hearing; this Court further makes the following Findings of Fact and enters its Order as follows:

1. The underlying facts of the case are unambiguous, as both the Promissory Notes and Guaranty Agreements are clear and unambiguous on their face and valid and enforceable as found at the hearing on May 20, 2014.

12-15 10:54 IN

TC31

2. There does not exist an appropriate basis in fact or law to grant the requested relief.

The Court having further made its Findings of Fact and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Relief from Judgment is **DENIED**.

DATED this 11th day of February, 2015

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Submitted by:
RHONDA L. MUSHKIN, CHTD.

RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
4475 S. Pecos Road
Las Vegas, Nevada 89121
Attorney for Plaintiff

Approved as to Form:
STERLING LAW, LLC

BEAU STERLING, ESQ.
Nevada Bar No. 6833
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephone: 702-583-3333
Attorneys for Defendant

Electronically Filed
02/17/2015 12:16:33 PM

CLERK OF THE COURT

NEOJ

RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
LAW OFFICES OF RHONDA L. MUSHKIN, CHTD.
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702-474-2400 Telephone
702-474-4176 Fax
Rhonda@Mushlaw.net
Beth@Mushlaw.net
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

*****

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual; PLANE REALTY, LLC, a Nevada limited liability company; DOE individuals I through X; ROE corporations I through X,

Defendants.

Case No.: A-12-672122-C
Dept. No.: XXXI

Date of Hearing: January 26, 2015
Time of Hearing: 9:00 am

NOTICE OF ENTRY OF ORDER

TO: All Interested Parties:

YOU WILL PLEASE TAKE NOTICE that an Order was entered on the 13th day of February 2015, and filed with the Clerk. A true and correct copy of said Order is attached hereto

/ / /

/ / /

/ / /

and made a part hereof as Exhibit "1".

DATED this 17 day of February 2015.

RHONDA L. MUSHKIN, CHARTERED

By: _____
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #002760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #009672
4475 S. Pecos Road
Las Vegas, Nevada 89121
Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 17 day of February 2015, I deposited a true and accurate copy of the foregoing ***NOTICE OF ENTRY OF ORDER***, via U.S. mailing first-class, postage prepaid to them at the following address:

Beau Sterling, Esq.
STERLING LAW, LLC
228 South 4TH Street, 1st Floor
Las Vegas, NV 89101
Attorney for Defendants

_____
An employee of RHONDA L. MUSHKIN, CHTD.

EXHIBIT 1

ORIGINAL

ODM
RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH I. ROSENBLUM, ESQ.
Nevada Bar #9672
LAW OFFICES OF RHONDA L. MUSHKIN, CHTD.
4475 S. Pecos Road
Las Vegas, Nevada 89121
702-474-2400 Telephone
702-474-4176 Fax
Rhonda@MushLaw.net
Beth@MushLaw.net
Attorneys for Plaintiff

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff,

vs.

VICTOR SCOTTO, an individual; PLANE REALTY, LLC, a Nevada limited liability company; DOE individuals I through X; ROE corporations I through X,

Defendants.

Case No.: A-12-672122-C
Dept. No.: XXXI

Date of Hearing: January 26, 2015
Time of Hearing: 9:00 am

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

At the motion hearing on Defendant's Motion for Relief from Judgment, filed December 23, 2014, Rhonda L. Mushkin, Esq. appearing for Plaintiff May B. Mushkin Trust; Beau Sterling, Esq. appearing for Defendant Victor Scotto, Plaintiff having filed their opposition and no reply thereafter filed, and this Court having considered the testimony and exhibits, as well as the pleadings on file on behalf of all parties and having heard the arguments of counsel at the motion hearing; this Court further makes the following Findings of Fact and enters its Order as follows:

1. The underlying facts of the case are unambiguous, as both the Promissory Notes and Guaranty Agreements are clear and unambiguous on their face and valid and enforceable as found at the hearing on May 20, 2014.

TL31

2. There does not exist an appropriate basis in fact or law to grant the requested relief.

The Court having further made its Findings of Fact and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Relief from Judgment is **DENIED**.

DATED this 11th day of February, 2015

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Submitted by:
RHONDA L. MUSHKIN, CHTD.

RHONDA L. MUSHKIN, ESQ.
Nevada Bar #2760
BETH L. ROSENBLUM, ESQ.
Nevada Bar #9672
4475 S. Pecos Road
Las Vegas, Nevada 89121
Attorney for Plaintiff

Approved as to Form:
STERLING LAW, LLC

BEAU STERLING, ESQ.
Nevada Bar No. 6833
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephone: 702-583-3333
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

Breach of Contract	**COURT MINUTES**	**April 04, 2014**

A-12-672122-C May B Mushkin Revocable Trust, Plaintiff(s)
vs.
Victor Scotto, Defendant(s)

April 04, 2014 **3:00 AM** **Motion to Withdraw as Counsel**

HEARD BY: Kishner, Joanna S. **COURTROOM:**

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- A Motion to Withdraw as Counsel was filed by R. Vaughn Gourley and the law firm of Stephens, Gourley & Bywater, counsel for the Defendants, Victor Scotto and Plane Realty, LLC, on February 26, 2014. The matter was subsequently placed on the Chambers Calendar of Department XXXI. Having received no opposition to the matter, pursuant to EDCR 2.20 and for good cause showing, the Court hereby GRANTS the Motion to Withdraw. Defendant's Counsel to prepare the Order and submit to Chambers for consideration within ten (10) days in accordance with EDCR 7.21, notifying the former client of all pending dates and providing the last known address and telephone number of Victor Scotto and Plane Realty, LLC, within the proposed Order. A status check is hereby set on Department XXXI's Chamber Calendar for Friday, April 18, 2014 regarding submission of the proposed Order of Withdrawal. If the Court receives the Order prior to that date, the status check will be vacated. If not, the Court will order a Status Check re: Proposed Order on its normal motion calendar, either a Tuesday or Thursday at 9:00 a.m., where personal appearances by counsel will be mandatory.

Pursuant to EDCR 7.42, a corporate entity may not proceed in proper person. Therefore, a status

check has been set for Thursday, May 1, 2014, at 9:00 a.m. in courtroom 12B, to inquire if Plane Realty, LLC, has retained new counsel and if it has not done so, whether the court should take further action in accordance with the rules. Attendance by Plane Realty, LLC, or their new counsel is required at the hearing.

4/18/14 STATUS CHECK: ORDER 4/4/14 (CHAMBERS)

5/1/14 9:00 AM STATUS CHECK: CORPORATE COUNSEL

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Robert Gourley, Esq., David Stephens, Esq and Rhonda Mushkin, Esq./sjh

DISTRICT COURT
CLARK COUNTY, NEVADA

Breach of Contract	**COURT MINUTES**	**May 01, 2014**

A-12-672122-C May B Mushkin Revocable Trust, Plaintiff(s)
vs.
Victor Scotto, Defendant(s)

May 01, 2014 **9:00 AM** **Status Check**

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

COURT CLERK: Sandra Harrell

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- No parties present. Court noted no notification provided regarding non-appearances this date. Order to Show Cause may issue regarding dismissal for failure to obtain corporate counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Breach of Contract	**COURT MINUTES**	**May 20, 2014**

A-12-672122-C May B Mushkin Revocable Trust, Plaintiff(s)
vs.
Victor Scotto, Defendant(s)

May 20, 2014 **9:30 AM** **Motion for Summary Judgment**

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

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Gourley, Robert Vaughn	Attorney
Mushkin, Rhonda L, ESQ	Attorney

JOURNAL ENTRIES

- Ms. Mushkin submitted. Argument by Mr. Gourley. Court finds no disputed issues of material fact, and ORDERED, Plaintiff's Motion for Summary Judgment is GRANTED. Ms. Mushkin to prepare the Order, to include findings of fact and conclusions of law, circulating to Mr. Gourley for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

6/6/14 STATUS CHECK: ORDER (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Breach of Contract	**COURT MINUTES**	**June 12, 2014**

A-12-672122-C May B Mushkin Revocable Trust, Plaintiff(s)
vs.
Victor Scotto, Defendant(s)

June 12, 2014 **9:00 AM** **Motion to Retax**

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

COURT CLERK: Sandra Harrell

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

Gourley, Robert Vaughn	Attorney
Mushkin, Rhonda L, ESQ	Attorney

JOURNAL ENTRIES

- Opposition to Plaintiffs' Motion to Compel Defendants Fontainebleau Resorts, LLC and Turnberry West Construction, Inc. to Provide Complete Responses to Plaintiffs' Requests for Production of Documents, Consistent with the February 5, 2014 Report and Recommendation of the Special Master and Countermotion for a Protective Order

Mr. Gourley argued Ms. Mushkin did not provide any supporting documentation for her memorandum of costs. Court finds all costs not articulated in accordance with statute. RULING DEFERRED; Plaintiff's counsel to provide supplement for the Court's consideration and a Decision will issue from Chambers. Arguments by counsel as to fees. Court noted it has not yet received the order from the prior hearing, no notice of entry of order. Counsel to send copy of order in Word (.doc) format to Chambers, procedurally need effective order first. Pursuant to the request of counsel, decision on fees and costs to be triggered based on the signing of the order, not the notice of entry of order. Matter SET for Decision regarding fees and costs.

6/20/14 DECISION: FEES & COSTS (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Breach of Contract	**COURT MINUTES**	**January 27, 2015**

A-12-672122-C May B Mushkin Revocable Trust, Plaintiff(s)
vs.
Victor Scotto, Defendant(s)

January 27, 2015 **9:00 AM** **Motion for Relief**

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

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Mushkin, Rhonda L, ESQ	Attorney
Sterling, Beau	Attorney

JOURNAL ENTRIES

- Mr. Sterling requests opportunity to conduct some discovery and set an evidentiary hearing. Ms. Mushkin argued no excusable neglect, was not a default case. Court finds no basis, and ORDERED, Defendants' Motion for Relief From Judgment is DENIED. Plaintiff's counsel to prepare the Order, circulating to Defense counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

2/13/15 STATUS CHECK: ORDER (CHAMBERS)

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

BEAU STERLING
228 S. 4TH ST., 1ST FLOOR
LAS VEGAS, NV 89101

DATE: March 23, 2015
CASE: A672122

RE CASE: MAY B. MUSHKIN REVOCABLE TRUST vs. VICTOR SCOTTO; PLANE REALTY, LLC

NOTICE OF APPEAL FILED: March 19, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☒ $250 – Supreme Court Filing Fee**
- 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; ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MAY B. MUSHKIN REVOCABLE TRUST,

Plaintiff(s),

vs.

VICTOR SCOTTO; PLANE REALTY, LLC,

Defendant(s),

Case No: A672122

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 23 day of March 2015.

Steven D. Grierson, Clerk of the Court

Heather Ungermann

Heather Ungermann, Deputy Clerk