

CLERK OF THE COURT

Electronically Filed
Apr 20 2016 10:56 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
2 **STEVEN M. BURRIS, ESQ.**
3 Nevada Bar No. 000603
4 sb@steveburrislaw.com
5 **JEFFREY L. GALLIHER, ESQ.**
6 Nevada Bar No. 8078
7 jg@steveburrislaw.com
8 **ADRIAN A. KARIMI, ESQ.**
9 Nevada Bar No. 13514
10 ak@steveburrislaw.com
11 **LAW OFFICE OF STEVEN M. BURRIS**
12 2810 W. Charleston Boulevard, Suite F-58
13 Las Vegas, Nevada 89102
14 (702) 258-6238 - Telephone
15 (702) 258-8280 - Facsimile

16 *Attorneys for Plaintiff/Appellant*

17 **DISTRICT COURT**
18 **CLARK COUNTY, NEVADA**

19 ISRAEL BAIGUEN, an individual,
20
21 Plaintiff,

CASE NO.: A-14-708544-C
DEPT. NO.: III

22 v.

23 HARRAH'S LAS VEGAS, LLC, a Nevada
24 Domestic Limited-Liability Company, dba
25 HARRAH'S CASINO HOTEL, LAS VEGAS;
26 HARRAH'S LAS VEGAS INC. dba
27 HARRAH'S CASINO HOTEL, LAS VEGAS;
28 CAESARS ENTERTAINMENT
CORPORATION, a Nevada Foreign
Corporation, dba HARRAH'S CASINO
HOTEL, LAS VEGAS; DOES I through X,
inclusive; and, and ROE CORPORATIONS I
through X, inclusive,

Defendants.

NOTICE OF APPEAL

Notice is given that ISRAEL BAIGUEN, Plaintiff in the above-captioned matter, by and through his attorneys of record, STEVEN M. BURRIS, ESQ., and JEFFREY L. GALLIHER, ESQ., of THE LAW OFFICES OF STEVEN M. BURRIS, LLC, hereby appeals to the Supreme Court of Nevada from the ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Law Offices Of
STEVEN M. BURRIS
A Limited Liability Corporation
2810 W. Charleston Boulevard
Suite F-58
Las Vegas, Nevada 89102

1 entered in this action on March 18, 2016, and all other appealable orders entered in this matter.

2
3 DATED this 14th day of April 2016.

4 LAW OFFICES OF STEVEN M. BURRIS

5
6
7 By: 

8 STEVEN M. BURRIS, ESQ.
9 Nevada State Bar No. 000603
10 sb@steveburrislaw.com
11 JEFFREY L. GALLIHER, ESQ.
12 Nevada Bar No. 8078
13 jg@steveburrislaw.com
14 ADRIAN A KARIMI, ESQ.
15 Nevada Bar No. 13514
16 Ak@steveburrislaw.com
17 2810 W. Charleston Boulevard, Suite F-58
18 Las Vegas, Nevada 89102
19 *Attorneys for Plaintiff/Appellant*

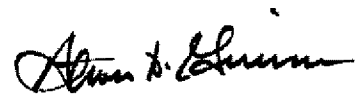
20
21 **CERTIFICATE OF SERVICE**

22 Pursuant to Nevada Rules of Civil Procedure 5(b) and the amendment to the Eighth Judicial
23 District Court Rule 7.26, and N.E.F.C.R. 9, I hereby certify that service of the foregoing **NOTICE OF**
24 **APPEAL** was made this date by electronic service via the Court's electronic filing and service system
25 addressed to the following:

26 Scott M. Mahoney, Esq.
27 FISHER & PHILLIPS LLP
28 300 S. Fourth Street Suite 1500
Las Vegas, Nevada 89101
Fax (702) 252-7411

DATED this 14th day of April 2016.

26 /s/ KRISTINA MARZEC
27 Kristina M. Marzec,
28 An Employee of Law Offices of Steven M. Burris



CLERK OF THE COURT

1 **ASTA**
STEVEN M. BURRIS, ESQ.
2 Nevada Bar No. 000603
sb@steveburrislaw.com
3 **JEFFREY L. GALLIHER, ESQ.**
Nevada Bar No. 8078
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2810 W. Charleston Boulevard, Suite F-58
7 Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
8 (702) 258-8280 - Facsimile

9 *Attorneys for Plaintiff/Appellant*

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ISRAEL BAIGUEN, an individual,
13 Plaintiff,

CASE NO.: A-14-708544-C
DEPT. NO.: III

14 v.

15 HARRAH'S LAS VEGAS, LLC, a Nevada
16 Domestic Limited-Liability Company, dba
17 HARRAH'S CASINO HOTEL, LAS VEGAS;
18 HARRAH'S LAS VEGAS INC. dba
19 HARRAH'S CASINO HOTEL, LAS VEGAS;
20 CAESARS ENTERTAINMENT
21 CORPORATION, a Nevada Foreign
22 Corporation, dba HARRAH'S CASINO
HOTEL, LAS VEGAS; DOES I through X,
inclusive; and, and ROE CORPORATIONS I
through X, inclusive,

23 Defendants.

24 **CASE APPEAL STATEMENT**

- 25 1. Name of appellant filing this case appeal statement:
26 ISRAEL BAIGUEN
27 2. Identify judge issuing decision, judgment or order appealed from:
28 THE HONORABLE DOUGLAS W. HERNDON

Law Offices Of
STEVEN M. BURRIS
A Limited Liability Corporation
2810 W. Charleston Boulevard
Suite F-58
Las Vegas, Nevada 89102

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3. Identify all parties to the proceedings in the district court:

Plaintiff: ISRAEL BAIGUEN
Defendants: HARRAH'S LAS VEGAS, LLC d/b/a
HARRAH'S CASINO HOTEL d/b/a
CAESARS ENTERTAINMENT CORPORATION

4. Identify all parties involved in this appeal:

Appellant: ISRAEL BAIGUEN
Respondents: HARRAH'S LAS VEGAS, LLC d/b/a
HARRAH'S CASINO HOTEL d/b/a
CAESARS ENTERTAINMENT CORPORATION

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

Steven M. Burris, Esq.
Jeffrey L. Galliher, Esq.
Adrian A. Karimi, Esq.
LAW OFFICES OF STEVEN M. BURRIS, LLC
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238
Attorneys for Plaintiff/Appellant ISRAEL BAIGUEN

Scott M. Mahoney, Esq.
FISHER & PHILLIPS LLP
300 S. Fourth Street Suite 1500
Las Vegas, Nevada 89101
(702) 252-3131
Attorneys for Defendant/Respondent HARRAH'S LAS VEGAS

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

Retained counsel.

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

Retained counsel.

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

Not applicable.

1 9. Indicate the date the proceedings commenced in District Court:

2 Complaint was filed on October 15, 2014.

3 DATED this 14th day of April 2016.

4 LAW OFFICES OF STEVEN M. BURRIS

5
6 By: 

7 STEVEN M. BURRIS, ESQ.

8 Nevada State Bar No. 000603

9 sb@steveburrislaw.com

10 JEFFREY L. GALLIHER, ESQ.

11 Nevada Bar No. 8078

12 jg@steveburrislaw.com

13 ADRIAN A KARIMI, ESQ.

14 Nevada Bar No. 13514

15 Ak@steveburrislaw.com

16 2810 W. Charleston Boulevard, Suite F-58

17 Las Vegas, Nevada 89102

18 *Attorneys for Plaintiff/Appellant*

19
20 **CERTIFICATE OF SERVICE**

21 Pursuant to Nevada Rules of Civil Procedure 5(b) and the amendment to the Eighth Judicial
22 District Court Rule 7.26, and N.E.F.C.R. 9, I hereby certify that service of the foregoing **CASE**
23 **APPEAL STATEMENT** was made this date by electronic service via the Court's electronic filing
24 and service system addressed to the following:

25 Scott M. Mahoney, Esq.
26 FISHER & PHILLIPS LLP
27 300 S. Fourth Street Suite 1500
28 Las Vegas, Nevada 89101
Fax (702) 252-7411

DATED this 14th day of April 2016.

/s/ KRISTINA M. MARZEC

Kristina M. Marzec

An Employee of Law Offices of Steven M. Burris

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C

Israel Baiguen, Plaintiff(s)
vs.
Harrah's Las Vegas LLC, Defendant(s)

§
§
§
§
§

Location: **Department 3**
Judicial Officer: **Herndon, Douglas W.**
Filed on: **10/15/2014**
Cross-Reference Case Number: **A708544**

CASE INFORMATION

Statistical Closures

03/18/2016 Summary Judgment

Case Type: **Negligence - Other Negligence**

Case Flags: **Appealed to Supreme Court
Jury Demand Filed
Arbitration Exemption Granted**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-708544-C
Court	Department 3
Date Assigned	10/15/2014
Judicial Officer	Herndon, Douglas W.

PARTY INFORMATION

Plaintiff

Baiguen, Israel

Lead Attorneys

Burris, Steven Michael
Retained
702-238-6238(W)

Defendant

Caesars Entertainment Corporation

Mahoney, Scott M.
Retained
702-252-3131(W)

Harrah's Las Vegas Inc

Mahoney, Scott M.
Retained
702-252-3131(W)





Harrah's Las Vegas LLC

Mahoney, Scott M.
Retained
702-252-3131(W)

DATE














EVENTS & ORDERS OF THE COURT

INDEX

10/15/2014	 Complaint Filed By: Plaintiff Baiguen, Israel <i>Complaint</i>	
10/15/2014	Case Opened	
10/24/2014	 Summons Filed by: Plaintiff Baiguen, Israel <i>Summons - Civil</i>	
10/24/2014	 Summons Filed by: Plaintiff Baiguen, Israel <i>Summons - Civil</i>	
10/24/2014	 Summons Filed by: Plaintiff Baiguen, Israel	

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C


Summons - Civil

- 11/11/2014  Answer
Filed By: Defendant Harrah's Las Vegas LLC
Answer
- 11/12/2014  Demand for Security of Costs
Filed By: Defendant Harrah's Las Vegas LLC
Demand for Security of Costs
- 11/14/2014  Notice of Early Case Conference
Filed By: Plaintiff Baiguen, Israel
Notice of 16.1 Early Case Conference
- 11/18/2014  Notice of Filing Cost Bond
Filed By: Plaintiff Baiguen, Israel
Notice of Filing of Non-Resident Cost Bond
- 11/18/2014  Notice of Filing Cost Bond
Filed By: Plaintiff Baiguen, Israel
Notice of Filing of Non-Resident Cost Bond
- 11/18/2014  Non-Resident Cost Bond
Filed by: Plaintiff Baiguen, Israel
Undertaking for Security for Costs for Non-Resident
- 11/18/2014  Non-Resident Cost Bond
Filed by: Plaintiff Baiguen, Israel
Undertaking for Security for Costs for Non-Resident
- 11/20/2014  Amended Notice
Filed By: Plaintiff Baiguen, Israel
Amended Notice of Filing of Non-Resident Cost Bond
- 11/20/2014  Amended Notice
Filed By: Plaintiff Baiguen, Israel
Amended Notice of Filing of Non-Resident Cost Bond
- 11/24/2014  Amended Notice of Early Case Conference
Filed By: Plaintiff Baiguen, Israel
Amended Notice of 16.1 Early Case Conference
- 12/17/2014  Commissioners Decision on Request for Exemption - Granted
Commissioner's Decision on Request for Exemption
- 12/18/2014  Demand for Jury Trial
Filed By: Plaintiff Baiguen, Israel
Demand for Jury Trial
- 01/05/2015  Joint Case Conference Report
Filed By: Plaintiff Baiguen, Israel
Joint Case Conference Report
- 01/12/2015


DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C

 Scheduling Order
Scheduling Order

01/14/2015  Order Setting Civil Jury Trial
Order Setting Civil Jury Trial

03/18/2015  Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Notice of Taking Deposition of Estrelita Bradley


03/26/2015  Subpoena
Filed by: Plaintiff Baiguen, Israel
Subpoena - Civil - Regular


05/12/2015  Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial

05/13/2015  Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Baiguen, Israel
Stipulation and Order to Extend Discovery Deadlines and Continue Trial Date (First Request)

05/15/2015  Notice of Entry of Order
Filed By: Plaintiff Baiguen, Israel
Notice of Entry of Order


09/10/2015  Designation of Expert Witness
Filed By: Plaintiff Baiguen, Israel
Plaintiff's Designation of Expert Witnesses


09/10/2015  Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Notice of Taking Depositions of Defendants' Employees

09/16/2015  Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Notice of Taking Depositions of Defendants' Former Employees, Chico Stump and Mercedes Raez













09/22/2015  Subpoena
Filed by: Plaintiff Baiguen, Israel
Subpoena - Civil - Regular

09/29/2015  Notice of Change of Address
Filed By: Defendant Harrah's Las Vegas LLC
Notice of Counsel's Address Change







09/30/2015  Subpoena
Filed by: Plaintiff Baiguen, Israel
Subpoena - Civil - Regular

10/20/2015  Amended Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Amended Notice of Taking Deposition of Defendants' Former Employee, Mercedes Raez

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C

- 10/30/2015  Amended Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Second Amended Notice of Taking Deposition of Defendants' Former Employee, Mercedes Raetz
- 11/09/2015  Amended Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Amended Notice of Taking Deposition of Defendants' Employee, Karla Young
- 11/11/2015  Amended Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Second Amended Notice of Taking Deposition of Defendants' Employee, Karla Young
- 11/20/2015  Notice of Taking Deposition
Filed By: Plaintiff Baiguen, Israel
Notice of Taking Deposition Duces Tecum of Defendants' Expert, Scott Selco, M.D.
- 11/20/2015  Subpoena
Filed by: Plaintiff Baiguen, Israel
Subpoena
- 01/07/2016  Motion for Summary Judgment
Filed By: Defendant Harrah's Las Vegas LLC
Defendants' Motion for Summary Judgment
- 01/20/2016  Motion in Limine
Filed By: Plaintiff Baiguen, Israel
Plaintiff's Motions in Limine (Fifteen (15) Motions in Limine Contained Herein)
- 01/20/2016  Motion in Limine
Filed By: Plaintiff Baiguen, Israel
Plaintiff's Motion in Limine #16
- 01/25/2016  Opposition
Filed By: Plaintiff Baiguen, Israel
Plaintiff's Opposition to Defendants' Motion for Summary Judgment
- 02/03/2016  Reply to Opposition
Filed by: Defendant Harrah's Las Vegas LLC
Defendants' Reply to Opposition to Motion for Summary Judgment
- 02/10/2016  **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Defendants' Motion for Summary Judgment
- 02/11/2016  Stipulation and Order
Filed by: Defendant Harrah's Las Vegas LLC
Stipulation and Order Relating to Plaintiff's Motions in Limine
- 03/02/2016 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated - per Judge
- 03/02/2016 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated - per Judge
Plaintiff's Motions in Limine (Fifteen (15) Motions in Limine Contained Herein)

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C

03/02/2016	<i>CANCELED Motion in Limine</i> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Judge</i> <i>Plaintiff's Motion in Limine #16</i>
03/14/2016	<i>CANCELED Jury Trial</i> (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Judge</i>
03/18/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Harrah's Las Vegas LLC <i>Memorandum of Costs and Disbursements</i>
03/18/2016	 Notice of Entry of Order Filed By: Defendant Harrah's Las Vegas LLC <i>Notice of Entry of Order</i>
03/18/2016	 Order Granting Summary Judgment Filed By: Defendant Harrah's Las Vegas LLC <i>Order Granting Defendants' Motion for Summary Judgment</i>
03/18/2016	Summary Judgment (Judicial Officer: Herndon, Douglas W.) Debtors: Israel Baiguen (Plaintiff) Creditors: Harrah's Las Vegas LLC (Defendant), Harrah's Las Vegas Inc (Defendant), Caesars Entertainment Corporation (Defendant) Judgment: 03/18/2016, Docketed: 03/25/2016
03/22/2016	 Motion to Retax Filed By: Plaintiff Baiguen, Israel <i>Plaintiff's Motion and Notice of Motion to Retax and Settle Defendants' Costs and Disbursements</i>
04/14/2016	 Notice of Appeal Filed By: Plaintiff Baiguen, Israel <i>Notice of Appeal</i>
04/14/2016	 Case Appeal Statement Filed By: Plaintiff Baiguen, Israel <i>Case Appeal Statement</i>
04/27/2016	Motion to Retax (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion and Notice of Motion to Retax and Settle Defendants' Costs and Disbursements</i>

DATE	FINANCIAL INFORMATION
	Defendant Caesars Entertainment Corporation
	Total Charges 30.00
	Total Payments and Credits 30.00
	Balance Due as of 4/18/2016 0.00
	Defendant Harrah's Las Vegas LLC
	Total Charges 423.00
	Total Payments and Credits 423.00
	Balance Due as of 4/18/2016 0.00
	Plaintiff Baiguen, Israel
	Total Charges 294.00
	Total Payments and Credits 294.00
	Balance Due as of 4/18/2016 0.00

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-14-708544-C

Plaintiff Baiguen, Israel
Appeal Bond Balance as of 4/18/2016

500.00

DISTRICT COURT CIVIL COVER SHEET

A - 1 4 - 7 0 8 5 4 4 - C

County, Nevada

I I I

Case No.

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): ISRAEL BAIGUEN, an individual	Defendant(s) (name/address/phone): HARRAH'S LAS VEGAS, LLC, a Nevada Domestic Limited-Liability Company, dba HARRAH'S CASINO HOTEL, LAS VEGAS; HARRAH'S LAS VEGAS INC. dba HARRAH'S CASINO HOTEL, LAS VEGAS; CAESARS ENTERTAINMENT CORPORATION, a Nevada Foreign Corporation, dba HARRAH'S CASINO HOTEL, LAS VEGAS; et al.
Attorney (name/address/phone): Steve M. Burris, Esq. - Law Offices of Steven M. Burris 2810 W. Charleston Blvd., Suite F-58 Las Vegas, Nevada 89102 (702) 258-6238	Attorney (name/address/phone): Unknown

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

Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence <p>Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p>Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p>Probate</p> <p>Probate (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p>Civil Writ</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p>Other Civil Filing</p> <p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

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

10-15-14
Date


Signature of initiating party or representative

See other side for family-related case filings.

Allen D. Garrison
CLERK OF THE COURT

1 **OGSJ**
2 **FISHER & PHILLIPS LLP**
3 **SCOTT M. MAHONEY, ESQ.**
4 Nevada Bar No. 1099
5 300 S. Fourth Street
6 Suite 1500
7 Las Vegas, NV 89101
8 Telephone: (702) 252-3131
9 Facsimile: (702) 252-7411

10 Attorneys for Defendants

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ISRAEL BAIGUEN, an individual,)
14) Case No. A-14-708544-C
15 Plaintiff,)
16) Dept. No. III

17 vs.)

18 HARRAH'S LAS VEGAS, LLC, a Nevada) Date of Hearing: 2/10/16
19 Domestic Limited-Liability Company, dba)
20 HARRAH'S CASINO HOTEL, LAS) Time of Hearing: 9:00 a.m.
21 VEGAS; HARRAH'S LAS VEGAS INC.)
22 dba HARRAH'S CASINO HOTEL, LAS)
23 VEGAS; CAESARS ENTERTAINMENT)
24 CORPORATION, a Nevada Foreign)
25 Corporation, dba HARRAH'S CASINO)
26 HOTEL, LAS VEGAS; DOES I through X,)
27 inclusive; and, and ROE CORPORATIONS)
28 I through X, inclusive,)

Defendants.)

ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

Defendants' Motion for Summary Judgment (the "Motion") having come on regularly for hearing on February 10, 2016 at the hour of 9:00 a.m. in Department III of the above-entitled Court, the Honorable Douglas W. Herndon presiding, Plaintiff being represented by Jeffrey L. Galliher, Esq. and Defendants being represented by Scott M. Mahoney, Esq., the Court having considered the Motion, Plaintiff's Opposition thereto

FISHER & PHILLIPS LLP
300 S. Fourth Street, Suite 1500
Las Vegas, Nevada 89101

<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Judgment of Arbitration
<input type="checkbox"/> Voluntary Dismissal
<input type="checkbox"/> Involuntary Dismissal
<input type="checkbox"/> Stipulated Dismissal
<input type="checkbox"/> Motion to Dismiss by Delt(s)

1 and Defendants' Reply, as well as the arguments made by counsel, including Plaintiff's
2 argument that the increased risk test set forth in *Rio All-Suite Hotel and Casino v.*
3 *Phillips*, 240 P.3d 2 (Nev. 2010), should apply, the Court being fully advised in the
4 premises and good cause appearing therefor, the Court makes the following findings of
5 undisputed material facts and legal determinations:
6

7 1. Plaintiff does not contest that Defendant, Caesars Entertainment
8 Corporation ("Caesars"), was at all relevant times a parent corporation of Harrah's Las
9 Vegas, LLC ("Harrah's") and that Harrah's, not Caesars, was the employer of Plaintiff
10 and the other employees that worked at Harrah's Casino Hotel, Las Vegas. Caesars
11 therefore had no employment or other relevant legal relationship with Plaintiff.

12 2. Harrah's could have no liability to Plaintiff until such point in time as it
13 came into contact with him, and Harrah's had no contact with Plaintiff until he arrived
14 at work. There is no genuine issue of material fact that the alleged negligence of
15 Harrah's employees for which Plaintiff seeks to recover damages is based on events
16 that are alleged to have occurred in the workplace and arose out of Plaintiff's
17 employment with Harrah's.
18

19 3. Even if Plaintiff were correct that there is a disputed issue of fact
20 whether he clocked-in for work on October 19, 2012, clocking-in is not determinative
21 of whether the injuries for which he seeks to recover damages occurred in the course of
22 his employment. An employee is acting in the course of employment once he or she
23 arrives on the employer's premises and commences doing things which are a prelude to
24 starting the workday. Whether or not Plaintiff had clocked-in on October 19, 2012,
25 there is no genuine dispute of material fact that by the time the alleged actions for
26 which Plaintiff seeks to recover occurred, he had arrived in the area of the hotel where
27 he undertakes the activities to commence his workday, and started doing these
28


1 preliminary activities, such as being in the line in which employees stand to get their
2 radio and keys, such that he was acting in the course of his employment.

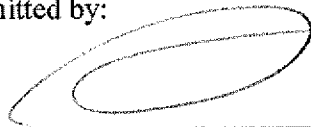
3 4. Plaintiff's negligence claim is preempted by worker's compensation as a
4 matter of law because the injuries for which he seeks to recover arose out of and in the
5 course of his employment, regardless of whether Plaintiff actually filed a worker's
6 compensation claim.
7

8 Based on the foregoing:

9 IT IS HEREBY ORDERED the Motion is granted and summary judgment is
10 entered in favor of Defendants on the claim asserted by Plaintiff.


11 DATED this 14 day of March 2016.

12
13
14 
15 _____
16 DISTRICT COURT JUDGE

15 Submitted by: 
16 _____
17

18 Scott M. Mahoney, Esq.
19 Fisher & Phillips LLP
20 300 South Fourth Street
21 Suite 1500
22 Las Vegas, NV 89101
23 Attorneys for Defendants

24 Approved as to form and content:

25 By: 
26 Jeffrey L. Galliner, Esq.
27 Law Offices of Steven M. Burriss
28 2810 West Charleston
Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

CLERK OF THE COURT

1 **NEOJ**
2 FISHER & PHILLIPS LLP
3 SCOTT M. MAHONEY, ESQ.
4 Nevada Bar No. 1099
5 300 S. Fourth Street
6 Suite 1500
7 Las Vegas, NV 89101
8 Telephone: (702) 252-3131
9 Facsimile: (702) 252-7411

Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

10 ISRAEL BAIGUEN, an individual,)
11) Case No. A-14-708544-C
12 Plaintiff,)
13 vs.) Dept. No. III
14)
15 HARRAH'S LAS VEGAS, LLC, a Nevada)
16 Domestic Limited-Liability Company, dba)
17 HARRAH'S CASINO HOTEL, LAS)
18 VEGAS; HARRAH'S LAS VEGAS INC.)
19 dba HARRAH'S CASINO HOTEL, LAS)
20 VEGAS; CAESARS ENTERTAINMENT)
21 CORPORATION, a Nevada Foreign)
Corporation, dba HARRAH'S CASINO)
HOTEL, LAS VEGAS; DOES I through X,)
inclusive; and, and ROE CORPORATIONS)
I through X, inclusive,)
Defendants.)

NOTICE OF ENTRY OF ORDER

23 PLEASE TAKE NOTICE that an Order Granting Defendants' Motion for
24 Summary Judgment was entered in the above-captioned matter on March 18, 2016, a
25
26
27
28

FISHER & PHILLIPS LLP
300 S. Fourth Street, Suite 1500
Las Vegas, Nevada 89101

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copy of which is attached hereto.

Respectfully submitted,

FISHER & PHILLIPS LLP

/s/ Scott M. Mahoney, Esq.
SCOTT M. MAHONEY, ESQ.
300 South Fourth Street
Suite 1500
Las Vegas, Nevada 89101
Attorneys for Defendants

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify service of the foregoing Notice of Entry of Order was made this date by electronic filing and/or service with the Eighth Judicial District Court and by mailing a

Jeff Galliher, Esq.
Law Offices of Steven M. Burris
2810 W. Charleston Blvd., Suite F-58
Las Vegas, NV 89102

Dated: March 18, 2016

By: /s/ Lorraine James-Newman
An employee of Fisher & Phillips LLP

CLERK OF THE COURT

1 **OGSJ**
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3 **SCOTT M. MAHONEY, ESQ.**
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10
11 Attorneys for Defendants

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 ISRAEL BAIGUEN, an individual,)
15) Case No. A-14-708544-C
16 Plaintiff,)
17) Dept. No. III
18 vs.)
19)
20 HARRAH'S LAS VEGAS, LLC, a Nevada) Date of Hearing: 2/10/16
21 Domestic Limited-Liability Company, dba)
22 HARRAH'S CASINO HOTEL, LAS) Time of Hearing: 9:00 a.m.
23 VEGAS; HARRAH'S LAS VEGAS INC.)
24 dba HARRAH'S CASINO HOTEL, LAS)
25 VEGAS; CAESARS ENTERTAINMENT)
26 CORPORATION, a Nevada Foreign)
27 Corporation, dba HARRAH'S CASINO)
28 HOTEL, LAS VEGAS; DOES I through X,)
I through X, inclusive; and, and ROE CORPORATIONS)
I through X, inclusive,)
Defendants.)

29 **ORDER GRANTING DEFENDANTS'**
30 **MOTION FOR SUMMARY JUDGMENT**

31 Defendants' Motion for Summary Judgment (the "Motion") having come on
32 regularly for hearing on February 10, 2016 at the hour of 9:00 a.m. in Department III of
33 the above-entitled Court, the Honorable Douglas W. Herndon presiding, Plaintiff being
34 represented by Jeffrey L. Galliher, Esq. and Defendants being represented by Scott M.
35 Mahoney, Esq., the Court having considered the Motion, Plaintiff's Opposition thereto

FISHER & PHILLIPS LLP
300 S. Fourth Street, Suite 1500
Las Vegas, Nevada 89101

<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Judgment of Arbitration
<input type="checkbox"/> Voluntary Dismissal
<input type="checkbox"/> Involuntary Dismissal
<input type="checkbox"/> Stipulated Dismissal
<input type="checkbox"/> Motion to Dismiss by Deft(s)

1 and Defendants' Reply, as well as the arguments made by counsel, including Plaintiff's
2 argument that the increased risk test set forth in *Rio All-Suite Hotel and Casino v.*
3 *Phillips*, 240 P.3d 2 (Nev. 2010), should apply, the Court being fully advised in the
4 premises and good cause appearing therefor, the Court makes the following findings of
5 undisputed material facts and legal determinations:
6

7 1. Plaintiff does not contest that Defendant, Caesars Entertainment
8 Corporation ("Caesars"), was at all relevant times a parent corporation of Harrah's Las
9 Vegas, LLC ("Harrah's") and that Harrah's, not Caesars, was the employer of Plaintiff
10 and the other employees that worked at Harrah's Casino Hotel, Las Vegas. Caesars
11 therefore had no employment or other relevant legal relationship with Plaintiff.

12 2. Harrah's could have no liability to Plaintiff until such point in time as it
13 came into contact with him, and Harrah's had no contact with Plaintiff until he arrived
14 at work. There is no genuine issue of material fact that the alleged negligence of
15 Harrah's employees for which Plaintiff seeks to recover damages is based on events
16 that are alleged to have occurred in the workplace and arose out of Plaintiff's
17 employment with Harrah's.
18

19 3. Even if Plaintiff were correct that there is a disputed issue of fact
20 whether he clocked-in for work on October 19, 2012, clocking-in is not determinative
21 of whether the injuries for which he seeks to recover damages occurred in the course of
22 his employment. An employee is acting in the course of employment once he or she
23 arrives on the employer's premises and commences doing things which are a prelude to
24 starting the workday. Whether or not Plaintiff had clocked-in on October 19, 2012,
25 there is no genuine dispute of material fact that by the time the alleged actions for
26 which Plaintiff seeks to recover occurred, he had arrived in the area of the hotel where
27 he undertakes the activities to commence his workday, and started doing these
28

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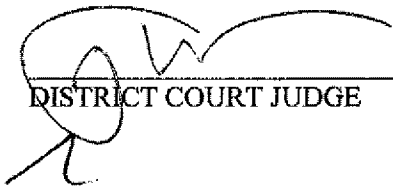
1 preliminary activities, such as being in the line in which employees stand to get their
2 radio and keys, such that he was acting in the course of his employment.

3 4. Plaintiff's negligence claim is preempted by worker's compensation as a
4 matter of law because the injuries for which he seeks to recover arose out of and in the
5 course of his employment, regardless of whether Plaintiff actually filed a worker's
6 compensation claim.
7

8 Based on the foregoing:


9 IT IS HEREBY ORDERED the Motion is granted and summary judgment is
10 entered in favor of Defendants on the claim asserted by Plaintiff.

11 DATED this 14 day of March 2016.

12
13
14
15 Submitted by:  
16
17

18 Scott M. Mahoney, Esq.
19 Fisher & Phillips LLP
20 300 South Fourth Street
21 Suite 1500
22 Las Vegas, NV 89101
23 Attorneys for Defendants

24 Approved as to form and content:

25 By: 
26 Jeffrey L. Gallher, Esq.
27 Law Offices of Steven M. Burris
28 2810 West Charleston
Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 10, 2016

A-14-708544-C Israel Baiguen, Plaintiff(s)
vs.
Harrah's Las Vegas LLC, Defendant(s)

**February 10, 2016 9:00 AM Motion for Summary
Judgment**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Mahoney, Scott M. Attorney

JOURNAL ENTRIES

- Galliher, Jeffrey

Arguments by counsel. Court stated FINDINGS and ORDERED, motion GRANTED, noting a workers compensation issue. Mr. Mahoney to prepare order.

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 GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

ISRAEL BAIGUEN,

Plaintiff(s),

vs.

HARRAH'S LAS VEGAS, LLC dba
HARRAH'S CASINO HOTEL, LAS VEGAS;
HARRAH'S LAS VEGAS INC. dba HARRAH'S
CASINO HOTEL, LAS VEGAS; CAESARS
ENTERTAINMENT CORPORATION dba
HARRAH'S CASINO HOTEL, LAS VEGAS,

Defendant(s),

Case No: A708544

Dept No: III

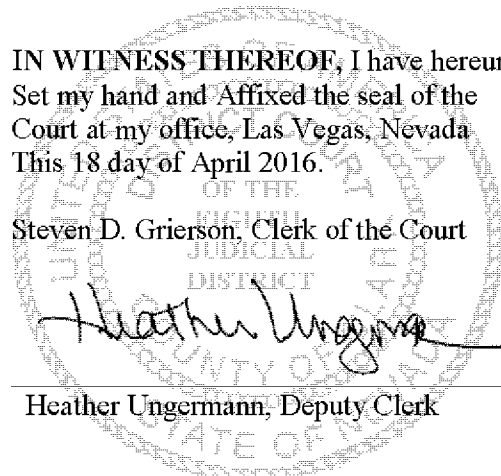
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 18 day of April 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



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STEVEN M BURRIS, LLC
2810 W Charleston Blvd Ste F-58
Las Vegas, NV 89102
PH 702-258-6238

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Las Vegas, NV 89102
90-078/1211

4/14/2016

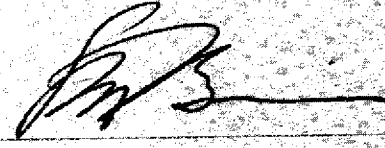
PAY TO THE ORDER OF Clerk of the Supreme Court

\$250.00

Two Hundred Fifty and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 89701



MEMO Filing fee Isreal Baiguen

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