

SUPREME COURT OF NEVADA

MDB Trucking, LLC v. Versa Products Co., Inc.

2020 NV 72 · No. 76395 c/w 75022, 75319, 75321, 76396, 76397 · Decided November 5, 2020

SUMMARY

This document identifies a Nevada Supreme Court consolidated civil appeal involving MDB Trucking, LLC and Versa Products Company, Inc., together with related appellate cases. The court issued an authored opinion on November 5, 2020, reversing and remanding the lower-court judgment. The case was submitted after oral argument before the Northern Nevada Panel, and remittitur was issued on November 30, 2020.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Chief Justice Pickering; Justice Parraguirre; Justice Cadish
JURISDICTION	Nevada
DECIDED	November 5, 2020
DOCKET	76395 c/w 75022, 75319, 75321, 76396, 76397
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated civil appeal and cross-appeal from the Second Judicial District Court of Nevada, Washoe County.
PRECEDENTIAL VALUE	Published opinion
PARTIES	MDB Trucking, LLC v. Versa Products Company, Inc.

TOPICS

[appellate procedure](#) [commercial litigation](#) [commercial](#)

PRACTICE AREAS

[commercial litigation](#) [appellate procedure](#)

PROCEDURAL HISTORY

MDB Trucking, LLC appealed and Versa Products Company, Inc. cross-appealed. The Nevada Supreme Court consolidated the related appeals, held oral argument on November 13, 2019, and issued an opinion reversing and remanding the matter.

DISPOSITION

reversed_and_remanded

OPINION

PER CURIAM.

76395: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 20-40274: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 76395 Short Caption:MDB TRUCKING, LLC VS. VERSA PRODUCTS CO., INC. C/W 75022/75319/75321/76396/76397Court:Supreme Court Consolidated:75022*, 75319, 75321, 76395, 76396, 76397Related Case(s):75022, 75319, 75321, 76396, 76397 Lower Court Case(s):Washoe Co. - Second Judicial District - CV1502349Classification:Civil Appeal - General - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: Panel To SP/Judge:07/17/2018 / Levitt, LansfordSP Status:Completed Oral Argument:Oral Argument Location: Submission Date:11/13/2019How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By Appellant/Cross-RespondentMDB Trucking, LLCColleen E. McCarty (Clark Hill PLC) Jeremy J. Thompson (Clark Hill PLC) Nicholas M. Wieczorek (Clark Hill PLC) Respondent/Cross-AppellantVersa Products Company, Inc.Josh C. Aicklen (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) David B. Avakian (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) Paige Suozzi Shreve (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) Docket Entries DateTypeDescriptionPending?Document 07/17/2018Filing FeeFiling Fee Paid. \$250.00 from American Legal Investigation.

Check no. 29138. 07/17/2018Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)18-27265 07/17/2018Notice/OutgoingIssued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.18-27269 07/17/2018Settlement NoticeIssued Notice: Assignment to Settlement Program.

Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Lansford W. Levitt.18-27317 07/23/2018Settlement Program ReportFiled Interim Settlement Program Report. The parties shall provide the Settlement Judge with a status of their negotiations by August 1, 2018. Case nos. 75022/75319/75321/76395/76396/76397.18-28102 07/30/2018Filing FeeFiling Fee due for Cross-Appeal.

07/30/2018Notice of Appeal DocumentsFiled Notice of Cross-Appeal.18-29165 07/30/2018Notice/OutgoingIssued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days. (Cross-Appeal)18-29167 08/01/2018Filing FeeFiling Fee Paid. \$250.00 from Lewis Brisbois Bisgaard & Smith. Check no. 13183. (Cross-Appeal) 08/03/2018Settlement Program ReportFiled Final Report/No Settlement.

The parties were unable to agree to a settlement of this matter.18-29853 08/06/2018Docketing StatementFiled Docketing Statement Civil Appeals - Part 1.18-30011 08/06/2018Docketing StatementFiled Docketing Statement Civil Appeals - Part 2.18-30013 08/06/2018Settlement Order/ProceduralFiled Order: Consolidate Appeals/No Settlement/Briefing Reinstated.

The parties were unable to agree to a settlement. Appellant/cross-respondent (appellant) and respondent/cross-appellant (respondent) shall each have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a). Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix on appeal.

Respondent shall have 30 days from service of appellant's opening brief to file and serve a combined answering brief on appeal and opening brief on cross-appeal. Appellant shall have 30 days from service of respondent's combined brief to file and serve a combined reply brief on appeal and answering brief on cross-appeal.

Finally, respondent shall have 14 days from service of appellant combined brief to file and serve a reply brief on cross-appeal, if deemed necessary. Nos. 75022/76395.18-30019 08/06/2018Docketing StatementFiled Respondent/Cross-Appellant's Docketing Statement Civil Appeals. Nos. 75022/76395.18-30096 08/27/2018Transcript RequestFiled Appellant/Cross-Respondent MDB Trucking, LLC Certificate That No Transcript is Being Requested.

Nos. 75022/76395.18-33243 09/10/2018MotionFiled Motion to Consolidate Appeals. Nos. 75022 C/W 76395, 75319 C/W 76397, and 75321 C/W 76396.18-35159 09/26/2018Notice/IncomingFiled Appellant's Notice of Non-Response to Appellant/Cross-Respondent MDB Trucking, LLC's Motion to Consolidate Appeals.18-37713 10/01/2018Order/ProceduralFiled Order.

Because these appeals involve the same parties and the same district court cases, we grant appellant and cross-respondent MDB Trucking, LLC's unopposed motion to consolidate them for

all appellate purposes. MDB Trucking shall have until January 7, 2019, to file and serve a single opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 28.1.

Nos. 75022/75319/75321/76395/76396/76397.18-38336 01/07/2019Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Appellant/Cross-Respondent's Single Opening Brief and Appendix due: January 22, 2019. Nos. 75022/75319/75321/76395/76396/76397. (SC).19-00904 01/18/2019BriefFiled Appellant/Cross-Respondent MDB Trucking, LLC's Opening Brief. Nos. 75022/75319/75321/76395/76396/76397.

(SC)19-02885 01/18/2019AppendixFiled Joint Appendix Volume 1. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02887 01/18/2019AppendixFiled Joint Appendix Volume 2. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02888 01/18/2019AppendixFiled Joint Appendix Volume 3. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02889 01/18/2019AppendixFiled Joint Appendix Volume 4.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02891 01/18/2019AppendixFiled Joint Appendix Volume 5. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02892 01/18/2019AppendixFiled Joint Appendix Volume 6. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02893 01/18/2019AppendixFiled Joint Appendix Volume 7. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02894 01/18/2019AppendixFiled Joint Appendix Volume 8.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02895 01/18/2019AppendixFiled Joint Appendix Volume 9. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02896 01/18/2019AppendixFiled Joint Appendix Volume 10. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02897 01/18/2019AppendixFiled Joint Appendix Volume 11. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02898 01/18/2019AppendixFiled Joint Appendix Volume 12.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02899 01/18/2019AppendixFiled Joint Appendix Volume 13. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02900 01/18/2019AppendixFiled Joint Appendix Volume 14. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02901 01/18/2019AppendixFiled Joint Appendix Volume 15. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02902 01/18/2019AppendixFiled Joint Appendix Volume 16.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02903 01/18/2019AppendixFiled Joint Appendix Volume 17. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-02904 01/18/2019AppendixFiled Joint Appendix Volume 18. Nos.

75022/75319/75321/76395/76396/76397. (SC)19-02905 02/13/2019Order/Clerk'sFiled Order Granting Telephonic Extension. Respondent's Answering/Opening Brief due: March 5, 2019.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-06862 03/05/2019BriefFiled Respondent's Answering Brief on Appeal and Opening Brief on Cross-Appeal. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-09828 03/05/2019Notice/IncomingFiled Errata to Joint Appendix Volume 1 of 18. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-09936 04/04/2019BriefFiled Appellant/Cross-Respondent's Reply Brief on Appeal and Answering Brief on Cross-Appeal.

Nos. 75022/75319/75321/76395/76396/76397. (SC)19-14797 04/18/2019Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Respondent/Cross-Appellant's Reply Brief on the Cross-Appeal due: May 2, 2019. Nos. 75022/75319/75321/76395/76396/76397. (SC).19-17044 05/02/2019BriefFiled Respondent/Cross-Appellant's Reply Brief on Cross-Appeal (REJECTED PER NOTICE ISSUED ON 05/02/19).

Nos. 75022/75319/75321/76395/76396/76397. (SC) 05/02/2019AppendixFiled Respondent/Cross-Appellant's Appendix Volume 1 & 2 (REJECTED PER NOTICE ISSUED ON 05/02/19). Nos. 75022/75319/75321/76395/76396/76397. (SC) 05/02/2019Notice/OutgoingIssued Notice of Deficient Brief. Corrected Reply Brief on Cross Appeal and Appendix due: 5 days. Nos. 75022/75319/75321/76395/76396/76397.

(SC)19-19433 05/03/2019BriefFiled Respondent/Cross-Appellant's Reply Brief on Cross-Appeal. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-19523 05/03/2019AppendixFiled Respondent/Cross-Appellant's Appendix Volume 1. Nos. 75022/75319/75321/76395/76396/76397. (SC)19-19524 05/03/2019AppendixFiled Respondent/Cross-Appellant's Appendix Volume 2. Nos. 75022/75319/75321/76395/76396/76397.

(SC)19-19528 05/03/2019Case Status UpdateBriefing Completed/To Screening. Nos. 75022/75319/75321/76395/76396/79697. (SC) 10/18/2019Notice/OutgoingIssued Notice Scheduling Oral Argument. Oral Argument is scheduled for 30 minutes on November 13, 2019 at 1:30 pm. (SC).19-43309 10/23/2019Notice/IncomingFiled Notice of Appearance at Oral Argument (Nicholas M. Wiczorek will appear for Appellant/Cross-Respondent MDB Trucking, LLC).

Nos. 75022/75319/75321/76395/76396/79697. (SC)19-43899 10/29/2019Notice/IncomingFiled Notice of Appearance at Oral Argument for Respondent. Josh Cole Aicklen, Jeffrey D. Olster, David B. Avakian and Paige S. Shreve of the law firm of Lewis Brisbois Bisgaard & Smith LLP enter their appearances as attorneys for respondent/cross-appellant Versa Products Company, Inc. (SC)19-44427 10/30/2019Notice/OutgoingIssued Oral Argument Reminder Notice.

Nos. 75022/75319/75321/76395/76396/79697. (SC)19-44565 11/13/2019Case Status UpdateOral argument held this day. Case submitted for decision. Before the Northern Nevada Panel. (SC)

KP/RP/EC 11/05/2020Opinion/DispositionalFiled Authored Opinion. "Reversed and remanded."

Before: Pickering/Parraguirre/Cadish. Author: Pickering, C.J. Majority: Pickering/Parraguirre/Cadish. 136 Nev. Adv. Opn. No. 72. NNP19-KP/RP/EC. Nos. 75022/75319/75321/76395/76396/76397. (SC).20-40274 11/30/2020RemittiturIssued Remittitur. (SC)20-43184 11/30/2020Case Status UpdateRemittitur Issued/Case Closed. (SC) 12/18/2020RemittiturFiled Remittitur. Received by District Court Clerk on December 2, 2020.

Nos. 75022/75319/75321/76395/76396/76397. (SC)20-43184 Combined Case View

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