UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

BRUCE COUTURIER and ELEANOR COUTURIER,

Plaintiffs,

v.

AMERICAN INVSCO, *et al*.,

Defendants.

Case No. 2:12-cv-01104-APG-NJK

Consolidated (for discovery and trial) with Case Nos.:
2:12-cv-01106-APG-NJK
2:12-cv-01107-APG-NJK
2:12-cv-01108-APG-NJK
2:12-cv-01111-APG-NJK

ORDER GRANTING DEFENDANT REBEKAH DESMET'S MOTIONS FOR SUMMARY JUDGMENT

Defendant Rebekah Desmet moves for summary judgment, arguing that as an employee of American Invsco Corp. and an agent of Koval Flamingo, LLC, she is entitled to judgment as a matter of law for the same reasons those two defendants were granted judgment. Specifically, Desmet contends she is entitled to the benefit of a release of claims signed by the plaintiffs.[1] In response, the plaintiffs do not dispute that Desmet is an American Invsco employee and a Koval agent within the releases' scope. Instead, they argue the releases are unenforceable.

I have already rejected the plaintiffs' arguments about the releases being unenforceable. ECF No. 222. I decline to reconsider that decision. I granted judgment in favor of defendants American Invsco and Koval based on the releases. *Id.* The plaintiffs released Koval, American Invsco, and their "respective affiliates, shareholders, members, directors, officers, employees and agents . . . ." *See, e.g.*, 197-2 at 4. As it is undisputed Desmet was American Invsco's employee

[1] Desmet also claims she has already been dismissed from cases 2:12-cv-01106-APG-NJK and 2:12-cv-01111-APG-NJK based on the court's March 2014 order. I am uncertain on what basis Desmet believes she has been dismissed from those cases. The March 31, 2014 order denied the defendants' motions to dismiss the conversion claims against Desmet. *See* Case No. 2:12-cv-01106-APG-NJK, ECF No. 107 at 14-15. Nevertheless, because the plaintiffs do not respond to that argument, and because the same reasoning on the merits applies, I grant summary judgment in Desmet's favor in these cases as well. Desmet is not a defendant in 2:12-cv-01107-APG-NJK.

and American Invsco was Koval's agent, the plaintiffs also released their conversion claims against Desmet. I therefore grant Desmet's summary judgment motions.

IT IS THEREFORE ORDERED that defendant Rebekah Desmet's motions for summary judgment **(ECF No. 252 in 2:12-cv-01104-APG-NJK and ECF No. 205 in 2:12-cv-01108-APG-NJK) are GRANTED**. Defendant Rebekah Desmet is entitled to judgment as a matter of law on the plaintiffs' conversion claims against her in each of the following cases:

2:12-cv-01104-APG-NJK,

2:12-cv-1106-APG-NJK,

2:12-cv-01108-APG-NJK, and

2:12-cv-01111-APG-NJK.

DATED this 29th day of November, 2017.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE