

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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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 Invscor 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.<sup>1</sup> In response, the plaintiffs do not dispute that Desmet is an American Invscor 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

<sup>1</sup> 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.

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

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

7 2:12-cv-01104-APG-NJK,  
8 2:12-cv-1106-APG-NJK,  
9 2:12-cv-01108-APG-NJK, and  
10 2:12-cv-01111-APG-NJK.

11 DATED this 29th day of November, 2017.

12   
13 ANDREW P. GORDON  
14 UNITED STATES DISTRICT JUDGE  
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