

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 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.

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 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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