

KAEMPFER CROWELL
Robert McCoy, No. 9121
Briana Martinez, No. 14919
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: rmccoy@kcnvlaw.com
Email: bmartinez@kcnvlaw.com

Attorneys for Defendants Breakwater
Equity Partners, LLC, Jack Rose,
Samantha Randant, Randall Ghezzi,
Richard Pinto, and Sidney Mandel

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NNN 2716 NORTH TENAYA 24, LLC,
a Delaware limited liability company,

Plaintiff,

vs.

BREAKWATER EQUITY PARTNERS,
LLC, a California limited liability
company; JACK ROSE, an individual;
SAMANTHA RANDANT, an
individual; RANDALL C. GHEZZI, an
individual; RICHARD PINTO, an
individual; SIDNEY MANDEL, an
individual; and Does I through X and
Roe Corporations XI through XX,

Defendants.

Case No. 2:20-cv-00833-RFB-EJY

**ORDER EXPUNGING LIS
PENDENS**

This matter came before the Court on the Motion to Expunge Lis
Pendens on Order Shortening Time filed by Defendants Breakwater Equity
Partners, LLC, Jack Rose, Samantha Randant, Randall Ghezzi, Richard Pinto, and

1 Sidney Mandel (ECF No. 40). Upon review of the papers and evidence presented,
2 including the declaration of counsel, the Court grants the motion for the reasons
3 explained below:

4 1. On February 3, 2020, plaintiff NNN 2716 North Tenaya 24,
5 LLC filed a complaint in the Eighth Judicial District Court, case number
6 A-20-809676-C, against defendants for a variety of contract and other claims
7 based on the allegation that it did not receive a supposed promised \$400,000 to
8 buy out its equity interests in limited liability companies that in turn own
9 the property. Plaintiff was previously a tenant-in-common but has not had a fee
10 interest in the property since 2014.

11 2. The property is located at 2716 N. Tenaya Way, Las Vegas,
12 Nevada (identified as APNs 138-15-710-023 and 138-15-710-026).

13 3. On February 20, 2020, plaintiff filed a notice of lis pendens on
14 the two parcels (APNs 138-15-710-023 and 138-15-710-026) in case number A-
15 20-809676-C.

16 4. Plaintiff later recorded the lis pendens with the Clark County
17 Recorder on February 25, 2020 as Instrument No. 20200225-0002721.

18 5. Defendants removed the case to the United States District Court
19 for the District of Nevada on May 8, 2020 and the case was assigned a new number
20 2:20-cv-00833-RFB-EJY.

21 6. Defendants filed concurrent motions to dismiss, or, in the
22 alternative, to transfer venue and to compel arbitration as to certain defendants.

23 7. On March 30, 2021, this Court entered a minute order granting
24 defendants' motion to dismiss plaintiff's claims (ECF No. 33).

1 8. On April 21, 2021, the Court filed a judgment in favor of defendants
2 and against plaintiff dismissing this case with prejudice (ECF No. 34).

3 9. The lis pendens clouds the owners' title in the parcels identified
4 above.

5 10. Given that this matter has been dismissed with prejudice, there
6 is no basis under NRS 14.010 or any other statute or rule for the lis pendens to
7 remain.

8 11. Any lis pendens recorded by plaintiff against the parcels located
9 in Clark County, Nevada and identified as APNs 138-15-710-023 and APN 138-
10 15-710-026 should be expunged. This includes the lis pendens recorded on
11 February 25, 2020 as Instrument No. 20200225-0002721 with the Clark County
12 Recorder against the parcels identified as 138-15-710-023 and 138-15-710-026.

13 Accordingly, IT IS HEREBY ORDERED that defendants' Motion to
14 Expunge Lis Pendens on Order Shortening Time is GRANTED.

15 IT IS FURTHER ORDERED that the Notice of Lis Pendens filed
16 with the Eighth Judicial District Court, in case number A-20-809676-C and upon
17 the two parcels the parcels identified as 138-15-710-023 and 138-15-710-026 is
18 HEREBY EXPUNGED, DISCHARGED, and RELEASED.

19 IT IS FURTHER ORDERED that the Lis Pendens filed with the Clark
20 County Recorder against on February 25, 2020 as Instrument No. 20200225-
21 0002721 is HEREBY EXPUNGED, DISCHARGED, and RELEASED.

22
23 

24 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED: July 16, 2021